

**FILED**

JUN. 26 2020

CLERK SUPREME COURT

**SEVENTH JUDICIAL DISTRICT OF IOWA**

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**INFORMAL FAMILY LAW TRIAL  
PILOT PROJECT**

**FINAL REPORT**

**JUNE 2019**

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District Court Administration  
Scott County Courthouse  
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Davenport, Iowa 52801  
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**FINAL REPORT OF THE PILOT PROJECT FOR  
INFORMAL FAMILY LAW TRIALS  
SEVENTH JUDICIAL DISTRICT OF IOWA**

**INTRODUCTION**

As stated in earlier reports, on February 14, 2017 the Seventh Judicial District was designated as the pilot project site for the Informal Family Law Trials project. The Informal Family Law Trial idea originated from the Family Law Task Case Processing Reform Task Force. The Seventh Judicial District formally launched the pilot project on March 1, 2017.

A committee was formed to develop rules, procedures, and forms for this project. The committee also looked at how to measure the success of this project and what recommendations could be made. District Court Judges Nancy S. Tabor and Henry W. Latham, II chaired the committee. The committee members are: Chief Judge Marlita A. Greve; District Court Judges Mary E. Howes and Joel W. Barrows; Lawyers Barbara Wallace, Melissa Gross and Gary McKenrick; District Court Administrator Kathy Gaylord and Assistant District Court Administrator Brian McKenrick; and Muscatine/Cedar Counties Clerk of Court Heidi McDonough, and Judicial Specialists Jennifer Criswell (Cedar/Jackson Counties), Susan Lancaster (Clinton County) and Gaby Raya (Scott County).

The Informal Family Law Trial committee met as a whole on many occasions. In addition, subcommittees were formed and met separately on the issues of developing rules and procedures, developing forms, communication and training, scheduling issues, trial processes, and how to determine results and success of the project. A final meeting was held to discuss the implementation of the pilot project.

## **PROJECT GOALS**

The Informal Family Law Trial Results committee had the following four goals:

1. Procedural fairness – from the surveys submitted a majority of litigants, especially self-represented litigants, express they have had a fair hearing in front of a judge and that they fully understood the process and the reasons for the court’s decision.
2. Lower level of conflict – from the surveys submitted and comments from the judges handling these matters, a majority of litigants experienced less stress in what already is one of the most, if not the most, stressful situation in their lives. As a result it is anticipated there will be less conflict between the parties due to their participation in the process.
3. Improved access to justice – from the information gathered, sooner trial dates were provided to litigants who use this process rather than the traditional trial process, so the parties, and the children involved, received a quicker resolution to their issues. This allowed the parties and their children to move on without living in limbo waiting for a trial date or a judge’s decision. The judges utilized a form decree, allowing a decision to be rendered the day of the hearing or within days after the hearing.
4. Effective use of judicial resources –these trials allowed judges to handle these types of cases quicker and with fewer hearings, resulting in more efficient use of a judge’s time and staff time.

## **RULES, PROCEDURES AND FORMS**

On the Seventh Judicial District’s section of the Judicial Branch website, there is extensive information regarding the rules, procedures and forms to be used for these Informal Family Law trials. The rules, embodied in the February 14, 2017 Supervisory Order issued by Chief Justice Mark Cady, are included in the attached appendix.

The committee developed an excellent brochure, which is available in all of our district’s individual Clerk’s offices. These brochures are handed out to litigants personally if they appear

in the Clerk's office. The brochures are also electronically emailed to litigants and/or attorneys in every family law case when the trial setting conference notice is sent.

At the trial setting conference, the scheduler is also watching for cases who may be good candidates for the Informal Family Law Trial. The scheduler will provide the brochure to those party(s) at that time. In addition, our district court judges have been asked to be aware that at the time of our judge-led settlement conferences for family law cases, they should consider offering the Informal Family Law Trial as an option for cases who may fit within its parameters.

## **COMMUNICATION AND TRAINING**

In addition to the communication and training mentioned in our prior reports, we have continued to educate attorneys and litigants on this project. Since 2017, the following outreach efforts took place:

Judges Latham and Tabor presented on this topic at the fall Iowa Judges Association conference. Judge Latham also presented a lunch and learn CLE program in Scott County. Attorney Matt Brandes came from Iowa City to that lunch and learn and helped present on the issue of handling these cases on a limited representation basis. He is very enthusiastic about this project and looks forward to doing these kinds of cases in his district in the future.

Judge Latham presented at a CLE program on this project in Muscatine for the Muscatine and Cedar County bar members. He also presented in Clinton for the Clinton and Jackson County bar members. Judge Latham also presented on this issue at the Bench Bar Conference in Fairfield Iowa and presented to the Linn County Bar on this pilot project. Additionally, Judge Latham has been contacted by the State of Minnesota, which is considering a similar project. Judge Latham provided information concerning the implementation of this pilot project in our district along with some of the brochures offered to litigants in our district.

We provided space in Scott and Clinton Counties for Iowa Legal Aid to come in for an afternoon and meet with self-represented parties with family law issues on multiple occasions, including another self-representation clinic scheduled for July 2019. During these clinics, we designate at least one judge to be available for any issues that require court intervention. We promote the Informal Family Law Trial process and look forward to continuing this type of project with Legal Aid.

At our semi-annual meeting for our Board of Governor representatives and county Bar presidents, we continually remind the Bar presidents of this project and asked them to continue to promote it to their members.

We have reminded and emphasized to our judicial specialists in the various Clerk's offices and our case schedulers to be aware of this project and to make sure they are providing these brochures to potential litigants. Information on the pilot project is also included in our family law case requirements order, which is provided to all litigants whenever a family law case is initiated.

## **RESULTS**

At the time of the last report, there had been seventeen cases scheduled as Informal Family Law Trials. All of them were scheduled in Scott County. I am pleased to report that as of this report, we have held or scheduled an additional eleven Informal Family Law Trials, including two in Cedar County, two in Clinton County and two in Muscatine County. All trials lasted one-half day or less. Attorneys participated in two cases that resulted in settlement and one case that proceeded to contested trial. All other cases involved self-represented parties. Below are statistical breakdowns of the case types and dispositions of those cases that were part of the pilot project.

CASE TYPE	
Dissolution w/ Children	15
Dissolution without Children	8
Modification	2
Paternity	3
Total	28

DISPOSITION/STATUS	
Contested Trial	16
Default	4
Settlement	7
Dismissal	1
Pending	0
Total	28

As stated in our previous reports, the feedback from both judges handling these cases and litigants involved has been overwhelming positive.

It is still too soon to determine the length of time it takes one of these cases to get a trial after it is filed because of the low numbers to date. We plan to continue to track and compare times to disposition in addition to the number of cases appealed; the number and frequency of modifications filed following decree; the number of cases with all self-represented parties, with a lawyer for one side, and with lawyers on both sides; and the number of cases who have a lawyer that performs some level of limited representation. To date, only one case has resulted in a subsequent petition for modification.

## **RECOMMENDATIONS AND CONCLUSION**

The Informal Family Law Trial Results committee is encouraged by the results of this pilot project. Although the committee desired higher participation in this pilot project, the committee recognizes the benefits of the program and would recommend this program be implemented statewide. The parties who participate allow the judge to provide a ruling based upon a more complete record of necessary evidence, resulting in a more fair and equitable decision. Further,

the parties are able to have full access to justice without the constraints of Rules of Evidence, which could many times restrict their ability to present their case fully to the Court.

The only identified gap in the current rules and procedures governing the Informal Family Law Trial pilot project was their applicability to situations where a respondent answers the petition, but fails to meaningfully participate in the course of the case from case scheduling through to the trial. This happens all too often. Cases involving children still may need evidence presented to the court even if the opposing side has chosen not to participate in the proceeding. The informal trial format is ideal for these situations. For this reason, we would propose allowing one party to opt in to the informal family law trial format absent an objection by the opposing side.

The relatively slow adoption and utilization of the informal trial format can be explained by the lack of broad public awareness of it and hesitancy of the local bar to embrace it. We observed that most parties likely to head to a contested proceeding have already hired attorneys; only those parties already likely to reach settlement remained self-represented. However, even though the potential pool of good candidates for the informal trial format is small, there is good merit in offering the option to those who really would benefit from it.

I would like to give my heartfelt thanks and full credit to all of the committee members who worked very hard on this project.

Respectfully submitted,

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Hon. Marlita A. Greve  
Chief District Court Judge  
Seventh Judicial District of Iowa

## **APPENDIX A**

FILED

FEB 14 2017

The Iowa Supreme Court

In the Matter of the Establishment )  
and Operation of the Informal ) Order  
Family Law Trial Pilot Project )

CLERK SUPREME COURT

**A. Introduction.**

In May 2016, the Iowa Supreme Court Family Law Case Processing Reform Task Force (Task Force) submitted its report to the Iowa Supreme Court for its consideration during the 2016 Administrative Term. The Task Force suggested creation of a pilot project to implement and assess an informal trial procedure for use in certain family law actions. The Supreme Court establishes the Informal Family Law Trial pilot project in the Seventh Judicial District comprising Cedar, Clinton, Jackson, Muscatine, and Scott Counties. The pilot project will operate according to the parameters set forth in this order.

**B. Purpose.**

Informal trial procedures in certain family law actions should expedite resolution of cases involving less complicated factual circumstances and thus allow additional judicial time dedicated to cases involving more complicated factual circumstances. The option to proceed with an informal trial should provide greater court transparency, better uniformity, and clearer expectations for the parties, particularly for self-represented litigants. More efficient resolution of relatively uncomplicated family law cases will allow parties to move forward with their lives sooner. Differentiated scheduling for informal trials should allow better management of limited judicial resources, as additional scheduling time will be available for more complicated family law cases and possibly for other components of the trial court docket.

**C. Scope.**

The Informal Family Law Trial pilot project will be implemented in all five counties in the Seventh Judicial District. The pilot project will operate for a sufficient time period to allow a reasonable period of evaluation and adjustment, after which the supreme court can determine whether the program should be established on a permanent state-wide basis. Initial implementation and review will be under the oversight of Chief Judge Marlita Greve and Seventh Judicial District Court Administrator Kathy Gaylord.

**D. Specialized Procedures.**

Both parties, self-represented or by counsel, must consent and opt into the Informal Family Law Trial process. Either party, or the court, may remove the case from the Informal Family Law Trial process at any time up to and including the pretrial or settlement conference. After the pretrial or settlement conference, only the court may remove the case from the Informal Family Law Trial process for good cause or upon a party's motion and after hearing.

*1. Pretrial Procedures.*

Cases in the Informal Family Law Trial pilot project are subject to the same pretrial procedures that apply to cases not involved in the pilot project, including but not limited to hearings on temporary custody, visitation, child support, and spousal support, as well as pretrial or settlement conferences.

Cases in the pilot project will be set for trial in increments of one (1) hour, one-half (1/2) day, or one (1) day.

In cases involving custody of children, the requirements of section 598.15 of the Iowa Code remain applicable.

*2. Discovery.*

Pilot project cases will be subject to the mandatory discovery disclosure requirements of Iowa Rule of Civil Procedure 1.500(1)(d). No additional or

formal discovery will be allowed without leave of court on motion and after hearing.

3. *Trial.*

The Iowa Rules of Evidence will not apply to pilot project cases, except as the trial court may determine to be necessary for the timely and efficient presentation of evidence for the court's determination of the issues raised.

The evidence at trial will be limited to the testimony of the parties and up to two (2) witnesses per party. In addition, each party may present up to five (5) affidavits from persons who otherwise would be called as witnesses. Each party may present up to two (2) reports of expert witnesses in lieu of live testimony of such witnesses. An expert witness report will count as one of the five (5) affidavits allowed per party. All affidavits and reports intended to be presented in lieu of testimony at trial must be filed with the court and copies provided to the other party at least five (5) days before the date of trial.

The trial court will direct all questions to witnesses during trial. The judge may consult with the parties or their counsel concerning areas of relevant inquiry, except that counsel for the Child Support Recovery Unit may question the parties or witnesses on topics necessary to the proper determination of the issues of child and medical support.

The trial proceedings will be reported.

The trial court, in the exercise of discretion, may dispense with findings of fact, except as are necessary to support a deviation from child support guidelines calculations pursuant to chapter 9 of the Iowa Court Rules.

4. *Modification.*

Modification of these procedures may be made during the course of the Informal Family Law Trial pilot project by Chief Judge Marlita Greve and the District Court Administrator of the Seventh Judicial District as may be

necessary to for operation of the Informal Family Law Trial pilot project.

**E. Evaluation.**

The State Court Administrator will annually evaluate the Informal Family Law Trial pilot project in consultation with Chief Judge Marlita Greve and the District Court Administrator of the Seventh Judicial District and report to the supreme court during its next administrative term.

Dated this 14th day of February, 2017.

The Iowa Supreme Court

By Mark S. Cady  
Mark S. Cady, Chief Justice

# BROCHURE – LEGAL TRI-FOLD PRINT FORMAT

## DIFFERENCES AT-A-GLANCE

INFORMAL TRIAL	TRADITIONAL TRIAL
X	Judge asks questions directly of parties; besides the parties only expert witnesses (doctor, counselor) are generally allowed.
	X
	Lawyers/Self-Represented Parties ask questions of parties/witnesses in common direct examination/cross examination format.
	X
	Rules of Evidence are followed; a party can object to testimony and exhibits.
X	
	Parties can submit any document or testimony for the judge to review without objection by the opposing party.
X	
	Lawyers are only allowed to say what the issues are, respond if the judge asks if there are any other areas the person wants the court to ask about, and make short arguments about the law at the end of the case.
	X
	Lawyers are allowed to question witnesses and object to certain testimony and proposed exhibits.
X	
	Before the trial starts, each person must give the judge and the other person a copy of all documents and other evidence you plan to submit.
X	
	Financial affidavits must be filed by each party.
X	
	Proposed Parenting Plans must be filed by each party (in cases with children).
X	
	Children in the Middle must be completed by each party (in cases with children).
X	
	Settlement Conference is typically required.
X	

## HOW AN INFORMAL FAMILY LAW TRIAL WORKS:

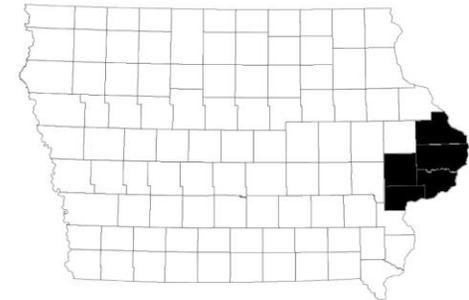
- 1) The person that started the case will speak first. He or she swears to tell the truth and may speak about anything he or she wishes.
- 2) He or she is not questioned by a lawyer. Instead, the judge will ask some questions in order to make a better decision.
- 3) If the person talking has a lawyer, then that lawyer may ask the judge to ask their client questions on specific topics.
- 4) This process is repeated for the other person.
- 5) If there are any experts, the expert's report may be given to the judge. Either person may also ask to have the expert testify and be questioned by the judge or the other person.
- 6) Each person may submit documents and other evidence that they want the judge to see. The judge will look at each document and decide whether it is trustworthy and should be considered.
- 7) Each person may briefly respond to comments made by the other person.
- 8) Each person or their lawyer may make a short legal argument about how the laws apply to their case.
- 9) Once all the above steps are complete, the judge states their decision. In some cases, the judge may give the ruling at a later date.
- 10) Any of the above steps may be modified by the judge in order to make sure the trial is fair for both people.

THE SEVENTH JUDICIAL DISTRICT OF IOWA  
CEDAR | CLINTON | JACKSON | MUSCATINE | SCOTT

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## INFORMAL FAMILY LAW TRIAL PILOT PROGRAM

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DISTRICT COURT ADMINISTRATION  
SCOTT COUNTY COURTHOUSE  
400 WEST FOURTH STREET  
DAVENPORT, IOWA 52801  
(563) 326-8783 [P]

Two different types of trials are available in the Seventh Judicial District of Iowa for resolving family law cases. Family law cases include:

- Dissolution of Marriage (Divorce)
- Legal Separation
- Paternity (Unmarried Parent)
- Modifications of child custody, visitation, and child support.

The two types of trials are called a traditional trial and an informal family law trial (IFLT). You will need to choose the type of trial that you think is best for your case. Both parties must agree to an informal trial. If one or both parties does not want an informal trial, a traditional trial will be scheduled. Please read the following information carefully so that you can make the decision that is right for you.

The Iowa Judicial Branch has provided several helpful guides and forms for self-represented parties on its website at [www.iowacourts.gov](http://www.iowacourts.gov). These forms include:

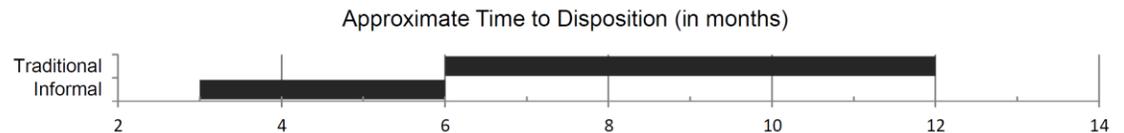
- Form 124 Financial Affidavit for Dissolution without Children
- Form 128 Settlement Agreement for Dissolution without Children
- Form 224 Financial Affidavit for Dissolution with Children
- Form 228 Settlement Agreement for Dissolution with Children
- Form 229 Agreed Parenting Plan
- Form 230 Proposed Parenting Plan
- Form 324 Child Support Modification Financial Statement
- Form 328 Settlement Agreement for Modification of Child Support

### WHY WOULD I CHOOSE AN INFORMAL FAMILY LAW TRIAL?

- 1) Fewer rules apply, so an IFLT is more flexible. IFLTs may be easier for people who are representing themselves. The judge is more involved in asking questions and guiding the process. The judge may be able to reduce conflict between the two sides and help them focus on the children or other issues.
- 2) You can speak directly to the judge about your situation without interruption or objections from the other person or their lawyer. The other person is not allowed to ask you questions.
- 3) You do not have to worry about formal rules that limit what you can say in court. You can:
  - Speak freely about conversations between you and other people who are not in court;
  - Talk to the judge about what your children have said about custody and parenting time; and
  - Tell the judge whatever you think is important before he or she makes a decision about your case.
- 4) You can give any documents you think are important to the judge.
- 5) Informal Family Law Trials may be shorter. A lawyer may be able to prepare in a shorter amount of time. Therefore, the cost to have a lawyer represent you may be less. You may have to take less time off from work.
- 6) The judge usually, but not always, makes a decision the same day as the trial.
- 7) Your case is relatively simple. You are comfortable explaining your circumstances and the facts to the judge.

### WHY WOULD I CHOOSE A TRADITIONAL TRIAL?

- 1) Rules and formal procedures are in place to protect each person's rights. The rules of evidence apply. You or your lawyer may feel more comfortable with this structure.
- 2) You like the fact that the rules of evidence will limit what people can say and the information that can be given to the judge in writing.
- 3) The question and answer format will be more effective in getting out the information about your case. It may be important to be able to ask the other person follow-up questions.
- 4) You may bring any witnesses you think are important to court.
- 5) Generally, written statements from family members, teachers, and friends will not be considered by the judge. People with something to say about your situation or the other person's situation will need to come to court.
- 6) Your case is complicated. You and the other person own a business or have lots of stocks, property, and retirement funds to divide.



TEMPLATE ORDER 7FL010 – FAMILY LAW REQUIREMENTS ORDER

IN THE IOWA DISTRICT COURT FOR SCOTT COUNTY

Upon the petition of  Petitioner,  And concerning  Respondent.	Case No:  <b>FAMILY LAW CASE REQUIREMENTS ORDER (WITH MINOR CHILDREN)</b>
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This Order tells each person in this case what must be done to get final orders from the Court. These requirements apply to BOTH parties, whether you hire a lawyer or represent yourself. Please read this Order carefully so that you understand what is required.

These requirements are designed to encourage you and the other person in the case to exchange information and to discuss possible settlement of your case before going to trial before a judge. These requirements are also intended to make trials available more quickly for those who cannot settle their case.

You are hereby notified that you may choose to participate in mediation with a qualified mediator of your choice. However, the requirements of this order will still be in effect until a final order is approved by a judge. The mediation agreement shall be submitted to the judge for approval with appropriate proposed final orders. You are still required to appear at the dates and times noticed in this and any other court orders unless you have received prior authorization from the Court to be absent.

**IT IS ORDERED AS FOLLOWS:**

1. **Children in the Middle Class.** You must complete this class within 45 days of the date you filed the case, were notified that a case has been filed, or by the trial scheduling conference, whichever comes first.

If you do not attend this class by the deadline, this may 1) delay the entry of final orders in your case until you have completed the class; 2) hurt your chances of getting what you want if there is a hearing or trial; and/or 3) result in a finding of contempt by the Court.

You are responsible for the class fees and for making arrangements to attend the class by calling and registering with an approved agency presenting the class. For more information on attending this class please refer to the following:

<http://www.eicc.edu/childreninthemiddle>;  
<http://www.scottcountyiowa.com/courts/law-equity>; OR  
by calling 1-888-336-3907.

If you and/or the other party are requesting a modification of child support only, you do not have to take this course.

2. **Initial Disclosures and Financial Information Exchange.** You must comply with Iowa R. Civ. P. 1.500, which requires that certain documents be exchanged before a formal discovery request may be made. In any event, no less than fifteen (15) days prior to the settlement conference, you must have exchanged the following information:

- a) Pay stubs or other documentation showing all income from all sources, including all deductions for federal and state taxes, dependent health and dental insurance premiums (including the specific cost of single, family, and dependent health insurance), union dues, mandatory pension withholdings for the past six (6) months;
- b) Documentation regarding child care expenses;
- c) Federal and state income tax returns, including all schedules and W-2's for the last five (5) years;
- d) The legal description and all appraisal and/or market analyses for all real estate owned, whether owned jointly or separately;
- e) Current values of any and all investments, retirement accounts, stocks, bonds, life insurance policies, bank accounts, mutual funds, deferred compensation accounts, IRA Accounts, 401K and any and all similar accounts or plans;
- f) Current statements of all debts;
- g) Any documentation establishing a claim that assets were gifted, inherited or premarital property;
- h) Any prenuptial agreements; and
- i) An affidavit of financial status (Iowa Code Section 598.13), and child support guidelines worksheets.

If you are involved in a modification case or an unmarried custody case, you only have to provide the information contained in letters a, b, c, and i. If you are involved in a dissolution of marriage case you must provide ALL of the information listed. If you do not provide the information on time you may be subject to contempt sanctions for failing to provide discovery which may include but is not limited to: not being able to present evidence to the Court, not being able to dispute the other side's evidence, being fined by the Court, or any other available remedy under the Iowa Rules of Civil Procedure, specifically Iowa R. Civ. P. 1.517.

3. **Trial Scheduling Conference.** No later than 21 days after the responding party has answered or appeared, a Notice of Trial Scheduling Conference will be issued to all parties not in default. If you do not receive a Notice of Trial Scheduling Conference within 60 days of the other side being served with the petition, contact Court Administration at (563) 326-8783. The parties are responsible for obtaining a timely Trial Scheduling Conference. The notice will state the date and time of the Trial Scheduling Conference and will provide additional instructions. At the Trial Scheduling Conference, court employees will schedule court dates with attorneys and self-represented parties in each case.

**If you are represented by an attorney**, the notice of the Trial Scheduling Conference will be sent to your attorney, and your attorney will participate in the Trial Scheduling Conference on your behalf. **Before the Trial Scheduling Conference, you must have completed the**

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**required Children in the Middle class. If you have not completed the required class, your Trial Scheduling Conference may be continued to a later date or your case may be subject to dismissal.** If the case is ready for scheduling, two (2) Court dates will be scheduled: 1) a Settlement Conference date and 2) a Trial date.

**If you are representing yourself without an attorney,** you will receive the notice of the Trial Scheduling Conference, and you must participate in the Trial Scheduling Conference at the specified date and time. In Scott County, Trial Scheduling Conferences are conducted in person in Room 258 on the 2nd floor of the Scott County Courthouse. If you cannot attend in person at the specified date and time, call Court Administration at (563) 326-8783 and ask permission to participate by phone. At this conference, you must report (1) whether you have completed the required Children in the Middle class and (2) whether you and the other side are in agreement on everything or whether there are still areas of disagreement that need to be addressed in a trial. **Before the Trial Scheduling Conference, you must have completed the required Children in the Middle class. If you have not completed the required class, your Trial Scheduling Conference may be continued to a later date or your case may be subject to dismissal.**

**If you and the other party are both self represented and have agreed on all matters,** you may be advised to go to the Clerk of Court's office during times set by the Court for self represented parties OR a brief hearing will be set by Court Administration after the ninety (90) day waiting period, unless that period has been waived by the Court. At this brief hearing, a judge will review your filings to confirm there is a petition; answer, return of service, or acceptance of service; proof of completion of Children in the Middle for both parties; a proposed written settlement agreement; a parenting agreement; and completed financial affidavits for both parties. If the filings are complete and proper, the judge may issue a final order at that time OR an evidentiary hearing will be scheduled. Forms and a guide to representing yourself are available on the Judicial Branch website at:  
[http://www.iowacourts.gov/for\\_the\\_public/representing\\_yourself\\_in\\_court/divorcefamily\\_law](http://www.iowacourts.gov/for_the_public/representing_yourself_in_court/divorcefamily_law).

**If you and the other party are NOT in agreement on all matters,** the case will proceed as any other family law case, and a Settlement Conference date and Trial date will be scheduled. Please see Section 6 below regarding the Informal Family Law Trial Pilot Project.

4. **Temporary Matters Hearing.** At the request of EITHER party, the Court will schedule a hearing to determine temporary custody, visitation, child support, and/or spousal support. The hearing may first be scheduled as a brief hearing at 8:30 a.m. If both parties are represented by an attorney, the attorneys may, in lieu of the initial 8:30 a.m. hearing, schedule an 80 minute evidentiary hearing on a Thursday within 30-60 days from the request. The available times for the evidentiary hearings are 9:05 a.m., 10:35 a.m., 1:35 p.m., and 3:05 p.m. Both parties must participate at the temporary matters hearing. Additional requirements for temporary matters hearings will be detailed in the scheduling order entered by the Court.
5. **Settlement Conference.** A Settlement Conference will be scheduled approximately 30 days before the scheduled Trial date. The parties and their attorneys, if any, will meet to discuss the status of their case. At this conference, the parties will fill out a form called "Stipulation of Assets and Liabilities." This form can be obtained on the Judicial Branch website or from the Clerk of Court, or you may use a comparable form developed by your attorney. In this form, the

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parties must list and value all of their assets and liabilities and they shall identify the issues they have agreed upon and the issues still in dispute. At the conclusion of the Settlement Conference, the parties must file their completed Stipulation of Assets and Liabilities.

6. **Informal Family Law Trial Pilot Project.** The Seventh Judicial District, including Scott County, has been selected to serve as a pilot project site for instituting new, informal family law trial procedures. Self represented parties in particular may find this informal trial procedure easier to understand and navigate than the traditional trial process. You will receive a brochure for this pilot project when you receive the notice of Trial Scheduling Conference. Please read that brochure carefully to determine whether an Informal Family Law Trial would be right for you. Additional information can also be found on the Seventh Judicial District website, listed in Section 8 below, or in your local Clerk of Court's Office.
7. **Notice.** You must keep the Clerk of Court, the other party, and his/her attorney advised of your address and phone number at all times. If you are representing yourself, you still must comply with the Iowa Rules of Civil Procedure, Iowa Rules of Evidence, and local rules of the Seventh Judicial District.
8. **Judicial Branch Website.** Important information including the Informal Family Law Trial Pilot Project and the local rules of the Seventh Judicial District can be found at: [http://www.iowacourts.gov/about\\_the\\_courts/district\\_courts/district\\_seven/](http://www.iowacourts.gov/about_the_courts/district_courts/district_seven/).
9. **Waiver.** If you believe that you cannot fulfill any of the requirements of this Order, you must file a WRITTEN request seeking waiver and appear before a District Court Judge on any day of the week in Scott County at 8:30 a.m. or 1:30 p.m. **You must first check in at the Clerk of Court's office in order to see a judge.**

**ALL ABOVE IS SO ORDERED** this 7th day of August, 2017.

**This Order must be served with the Petition and Original Notice.**

7FL010

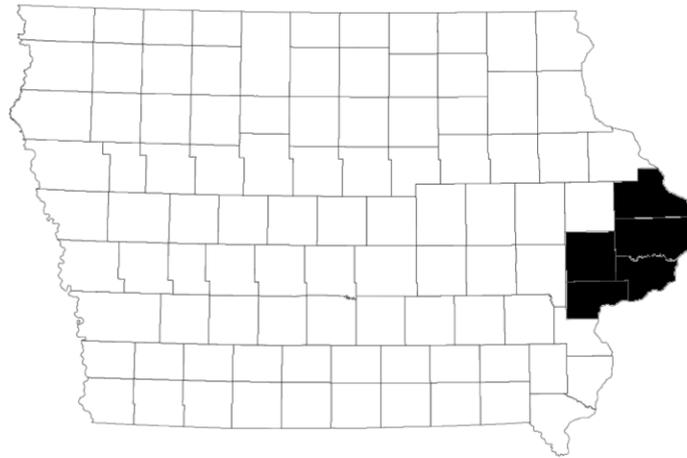
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THE SEVENTH JUDICIAL DISTRICT OF IOWA  
CEDAR | CLINTON | JACKSON | MUSCATINE | SCOTT

---

**INFORMAL FAMILY LAW TRIAL  
PILOT PROGRAM**

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District Court Administration  
Scott County Courthouse  
400 West Fourth Street  
Davenport, Iowa 52801  
(563) 326-8783 [p]  
(563) 326-8218 [f]

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## THE BASICS

Two different types of trials are available in the Seventh Judicial District of Iowa for resolving family law cases. Family law cases include:

- Dissolution of Marriage (Divorce)
- Legal Separation
- Paternity (Unmarried Parent)
- Modifications of child custody, visitation, and child support.

The two types of trials are called a traditional trial and an informal family law trial (IFLT). You will need to choose the type of trial that you think is best for your case. Both parties must agree to an informal trial. If one or both parties does not want an informal trial, a traditional trial will be scheduled. Please read the following information carefully so that you can make the decision that is right for you.

## HOW AN INFORMAL FAMILY LAW TRIAL WORKS:

- 1) The person that started the case will speak first. He or she swears to tell the truth and may speak about anything he or she wishes.
- 2) He or she is not questioned by a lawyer. Instead, the judge will ask some questions in order to make a better decision.
- 3) If the person talking has a lawyer, then that lawyer may ask the judge to ask their client questions on specific topics.
- 4) This process is repeated for the other person.
- 5) If there are any experts, the expert's report may be given to the judge. Either person may also ask to have the expert testify and be questioned by the judge or the other person.
- 6) Each person may submit documents and other evidence that they want the judge to see. The judge will look at each document and decide whether it is trustworthy and should be considered.
- 7) Each person may briefly respond to comments made by the other person.
- 8) Each person or their lawyer may make a short legal argument about how the laws apply to their case.
- 9) Once all the above steps are complete, the judge states their decision. In some cases, the judge may give the ruling at a later date.
- 10) Any of the above steps may be modified by the judge in order to make sure the trial is fair for both people.

## DIFFERENCES AT-A-GLANCE

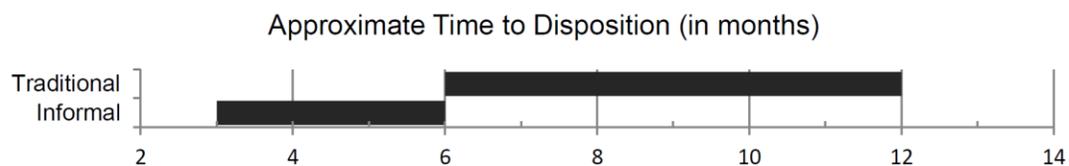
INFORMAL TRIAL		TRADITIONAL TRIAL
X	Judge asks questions directly of parties; besides the parties only expert witnesses (doctor, counselor) are generally allowed.	
	Lawyers/Self-Represented Parties ask questions of parties/witnesses in common direct examination/cross examination format.	X
	Rules of Evidence are followed; a party can object to testimony and exhibits.	X
X	Parties can submit any document or testimony for the judge to review without objection by the opposing party.	
X	Lawyers are only allowed to say what the issues are, respond if the judge asks if there are any other areas the person wants the court to ask about, and make short arguments about the law at the end of the case.	
	Lawyers are allowed to question witnesses and object to certain testimony and proposed exhibits.	X
X	Before the trial starts, each person must give the judge and the other person a copy of all documents and other evidence you plan to submit.	X
X	Financial affidavits must be filed by each party.	X
X	Proposed Parenting Plans must be filed by each party (in cases with children).	X
X	Children in the Middle must be completed by each party (in cases with children).	X
X	Mediation/Settlement Conference is typically required.	X

The Iowa Judicial Branch has provided several helpful guides and forms for self-represented parties on its website at [www.iowacourts.gov](http://www.iowacourts.gov). These forms include:

- Form 124 Financial Affidavit for Dissolution without Children
- Form 128 Settlement Agreement for Dissolution without Children
- Form 224 Financial Affidavit for Dissolution with Children
- Form 228 Settlement Agreement for Dissolution with Children
- Form 229 Agreed Parenting Plan
- Form 230 Proposed Parenting Plan
- Form 324 Child Support Modification Financial Statement
- Form 328 Settlement Agreement for Modification of Child Support

## WHY WOULD I CHOOSE AN INFORMAL FAMILY LAW TRIAL?

- 1) Fewer rules apply, so an IFLT is more flexible. IFLTs may be easier for people who are representing themselves. The judge is more involved in asking questions and guiding the process. The judge may be able to reduce conflict between the two sides and help them focus on the children or other issues.
- 2) You can speak directly to the judge about your situation without interruption or objections from the other person or their lawyer. The other person is not allowed to ask you questions.
- 3) You do not have to worry about formal rules that limit what you can say in court. You can:
  - Speak freely about conversations between you and other people who are not in court;
  - Talk to the judge about what your children have said about custody and parenting time; and
  - Tell the judge whatever you think is important before he or she makes a decision about your case.
- 4) You can give any documents you think are important to the judge.
- 5) Informal Family Law Trials may be shorter. A lawyer may be able to prepare in a shorter amount of time. Therefore, the cost to have a lawyer represent you may be less. You may have to take less time off from work.
- 6) The judge usually, but not always, makes a decision the same day as the trial.
- 7) Your case is relatively simple. You are comfortable explaining your circumstances and the facts to the judge.



## WHY WOULD I CHOOSE A TRADITIONAL TRIAL?

- 1) Rules and formal procedures are in place to protect each person's rights. The rules of evidence apply. You or your lawyer may feel more comfortable with this structure.
- 2) You like the fact that the rules of evidence will limit what people can say and the information that can be given to the judge in writing.
- 3) The question and answer format will be more effective in getting out the information about your case. It may be important to be able to ask the other person follow-up questions.
- 4) You may bring any witnesses you think are important to court.
- 5) Generally, written statements from family members, teachers, and friends will not be considered by the judge. People with something to say about your situation or the other person's situation will need to come to court.
- 6) Your case is complicated. You and the other person own a business or have lots of stocks, property, and retirement funds to divide.

FORM – INFORMAL TRIAL WAIVER AND SELECTION

IN THE IOWA DISTRICT COURT FOR \_\_\_\_\_ COUNTY

<p>_____ Petitioner, vs _____ Respondent.</p>	<p>Case No: _____</p> <p><b>INFORMAL FAMILY LAW TRIAL WAIVER AND SELECTION FORM</b></p>
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Each party wishing to proceed as an Informal Family Law Trial must complete and file this form at or prior to the Civil Trial Setting Conference. Failure to file this required form may result in the case not being scheduled for trial or proceeding as a traditional trial.

The parties to a family law case must choose how they want the trial to be conducted. There are two options:

- (1) A traditional trial, which means that both parties are allowed to call witnesses and to cross-examine the witnesses appearing on behalf of the other party and the rules of evidence will apply. If either party chooses a traditional trial, then the case will be set for a traditional trial.
- (2) An informal family law trial, which will restrict the ability of both parties to present witnesses and the rules of evidence will not apply. An informal family law trial only will be held if both parties make that choice.

**INFORMAL FAMILY LAW TRIAL**

\_\_\_\_\_  
(Initials) I elect to proceed to trial under the Informal Family Law Trial Pilot Program.

I agree to waive the normal question and answer manner of trial, and I agree the court may ask me questions about the case.

I agree to waive the rules of evidence in this informal family law trial. Therefore:

- Either party can submit any document or other evidence he or she wishes into the record, subject to limitations on numbers of witnesses, affidavits, and expert witness reports; and
- Either party can tell the court anything he or she feels is relevant, subject to the trial judge's approval.

I understand the following:

- My participation in this informal family law trial process is strictly voluntary, and no one can force me to agree to this process; and
- The court will determine what weight will be given to documents, physical evidence, and testimony that is entered as evidence during the informal family law trial process.

I am confident that I understand the informal family law trial process.

I have not been threatened or promised anything for agreeing to this informal family law trial process.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Respectfully submitted,

\_\_\_\_\_  
Attorney's signature (if applicable)

\_\_\_\_\_  
Party's signature

\_\_\_\_\_  
Attorney's name (if applicable)

\_\_\_\_\_  
Printed name

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IN THE IOWA DISTRICT COURT FOR SCOTT COUNTY

Petitioner,  vs.  Respondent.	Case No:  <b>ORDER SETTING                  INFORMAL FAMILY LAW TRIAL</b> <input type="checkbox"/> <input type="text"/>  Date Petition Filed :  Case Type : <input type="text"/>  Expected Length of Trial : <input type="text"/>
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**Appearances:**  
 Petitioner  and  filed an Informal Family Law Trial Waiver and Selection Form.  
 Respondent  and  filed an Informal Family Law Trial Waiver and Selection Form.

Check all issues that may be contested:

<input type="checkbox"/> Custody	<input type="checkbox"/> Visitation	<input type="checkbox"/> Child Support	<input type="checkbox"/> Spousal Support
<input type="checkbox"/> Education Subsidy	<input type="checkbox"/> Property	<input type="checkbox"/> Debts	
<input type="checkbox"/> Other: <input type="text"/>			

**1. TRIAL**

Informal Trial is scheduled on  at  :  AM  at the  Room .  
 Hours

The rules and procedures for Informal Family Law Trials will apply. If at any time a party does not wish to proceed as an Informal Family Law Trial, that party must file a motion to proceed as a traditional trial and contact Court Administration and the other party to schedule a hearing on the motion.

Unless otherwise ordered, the Iowa Rules of Evidence will not apply. Evidence at trial will be limited to the following:

1. Testimony of the parties;
2. Testimony of up to two (2) witnesses for each party; and
3. Submission of up to five (5) affidavits/reports for each party.

Each party may present up to two (2) reports of expert witnesses instead of live testimony. However, an expert witness report will count as one of the five (5) affidavits allowed per party.

All affidavits and reports intended to be presented at trial must be electronically submitted to the Court as proposed exhibits, and copies must be provided to the other party at least five (5) days before the date of trial.

**2. SETTLEMENT/PRETRIAL CONFERENCE**

Settlement Conference is scheduled on  at  :  AM  at the  Room .  
 Hours

At the settlement/pretrial conference, the parties shall conduct good faith settlement negotiations. If the case does not settle, the pretrial conference will immediately follow the settlement conference. The same judge will be assigned to both the settlement conference and the pretrial conference. **The parties and their counsel, including any counsel for the children, MUST attend both conferences.**

Prior to the settlement/pretrial conference the parties shall file amended financial statements as required by Iowa Code section 598.13 or file a statement that such previously filed financial statement is accurate and not in need of amendment. See *Local Rule 4.3 and Iowa Code section 598.13*. **Additionally, prior to or at the settlement/pretrial conference the parties must complete an Informal Family Law Trial Pretrial Memorandum.** This form is available online at [http://www.iowacourts.gov/About the Courts/District Courts/District Seven/Informal Family Law Trials/Forms/](http://www.iowacourts.gov/About%20the%20Courts/District%20Courts/District%20Seven/Informal%20Family%20Law%20Trials/Forms/) or

at your local Clerk of Court's Office. This required form will provide the judge with necessary information on which aspects of the case remain disputed and which aspects of the case have already been resolved by the parties.

**THE CHILDREN IN THE MIDDLE COURSE, IF REQUIRED FOR THIS TYPE OF CASE, MUST BE COMPLETED NO LATER THAN THE SETTLEMENT/PRETRIAL CONFERENCE DATE.**

If the parties or counsel fail to comply with this order, the Court may impose any sanction contemplated by Iowa Rule of Civil Procedure 1.602(5).

**3. DISCOVERY PLAN**

A Trial Scheduling and Discovery Plan is not required as part of this action. However, the Iowa Rules of Civil Procedure governing discovery, including initial disclosures under Iowa R. Civ. P. 1.500(1)(d), still apply.

**ALL ABOVE IS SO ORDERED** this 7th day of August, 2017.

The Clerk shall notify all self-represented parties and attorneys of record.

- A copy has been provided to .
- A copy has been provided to .
- A copy has been provided to .

If you need assistance to participate in court due to a disability, call the disability coordinator at (563) 328-4145. Persons who are hearing or speech impaired may call Relay Iowa TTY (1-800-735-2942). **Disability coordinators cannot provide legal advice.**

71STAP

FORM – PRETRIAL MEMORANDUM

IN THE IOWA DISTRICT COURT FOR \_\_\_\_\_ COUNTY

<p>_____  Petitioner,  vs  _____  Respondent.</p>	<p>Case No: _____</p> <p style="text-align: center;"><b>INFORMAL FAMILY LAW TRIAL  PRETRIAL MEMORANDUM</b></p>
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*[To be completed jointly by the parties prior to or at the settlement/pretrial conference.]*

PETITIONER'S INFORMATION:

Name: \_\_\_\_\_  
Year of Birth: \_\_\_\_\_  
Employer: \_\_\_\_\_  
Gross Monthly Income: \_\_\_\_\_  
Cost of Child(ren)'s Insurance: \_\_\_\_\_  
[Cost of family coverage minus single coverage.]  
Union Dues: \_\_\_\_\_  
Qualified Additional Dependents: \_\_\_\_\_  
Prior Support Order: \_\_\_\_\_  
Mandatory Pension: \_\_\_\_\_  
Professional License Fee(s): \_\_\_\_\_  
Child Care Expenses: \_\_\_\_\_

RESPONDENT'S INFORMATION:

Name: \_\_\_\_\_  
Year of Birth: \_\_\_\_\_  
Employer: \_\_\_\_\_  
Gross Monthly Income: \_\_\_\_\_  
Cost of Child(ren)'s Insurance: \_\_\_\_\_  
[Cost of family coverage minus single coverage.]  
Union Dues: \_\_\_\_\_  
Qualified Additional Dependents: \_\_\_\_\_  
Prior Support Order: \_\_\_\_\_  
Mandatory Pension: \_\_\_\_\_  
Professional License Fee(s): \_\_\_\_\_  
Child Care Expenses: \_\_\_\_\_

IDENTIFICATION OF CHILDREN:

<i>First, Middle &amp; Last Initials:</i>	<i>Birth Year:</i>
(1) _____	_____
(2) _____	_____
(3) _____	_____
(4) _____	_____
(5) _____	_____

**DIVISION I: Child Custody and Visitation** *(Must be completed in all cases affecting children. Use additional pages if necessary.)*

Petitioner's Recommendation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Respondent's Recommendation:

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**DIVISION II: Child Support and Medical Support** *(Must be completed in all cases affecting children. Use additional pages if necessary.)*

Petitioner's Recommendation:

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Respondent's Recommendation:

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**DIVISION III: Spousal Support** *(Use additional pages if necessary.)*

Petitioner's Recommendation:

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Respondent's Recommendation:

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Stipulations (Agreements):

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**DIVISION VII: Other Provisions** *(Use additional pages if necessary.)*

Attached to this pretrial memorandum as Attachment 1 is the statement of the contested/disputed issues with the court is called upon to determine at the time of hearing or trial. Attached as Attachment 2 is the statement of stipulations reached by the parties which the Court may consider without the necessity of any evidence being presented on those points.

The parties and their respective counsel of record, if any, confirm that \_\_\_\_\_ hour(s) / day(s) *(circle one)* are required for hearing.

---

**SIGNATURES:**

\_\_\_\_\_  
*Petitioner's signature* *Date*      *Respondent's signature* *Date*

\_\_\_\_\_  
*Petitioner's printed name*      *Respondent's printed name*

\_\_\_\_\_  
*Attorney for Petitioner's signature (if applicable)* *Date*      *Attorney for Respondent's signature (if applicable)* *Date*

\_\_\_\_\_  
*Attorney for Petitioner's printed name (if applicable)*      *Attorney for Respondent's printed name (if applicable)*

\_\_\_\_\_  
*Third Party signature (if applicable)* *Date*

\_\_\_\_\_  
*Third Party printed name (if applicable) (check one)*

- Attorney for Child Support Recovery Unit*
- Guardian ad Litem*
- Other: \_\_\_\_\_*





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IN THE IOWA DISTRICT COURT FOR SCOTT COUNTY	
Upon the Petition of  Petitioner,  and concerning  Respondent.	Case No.  <b>DECREE FOR A                  DISSOLUTION OF MARRIAGE</b>

**APPEARANCES AND MANNER OF RESOLUTION**

On the [ ], this matter was before the court for final action on the Petition for Dissolution of Marriage. The case was resolved by a contested Informal Family Law Trial.

Petitioner [ ] Respondent [ ]

On the record, the Court affirmed the parties' voluntary consent to the Informal Family Law Trial format.

**FINDINGS OF FACT**

Petitioner:

Year of Birth: [ ]

Respondent:

Year of Birth: [ ]

Petitioner and Respondent were married on [ ] at [ ].

Respondent has been properly served with notice. Neither Petitioner nor Respondent are in the military service, prison, or jail.

- More than ninety (90) days have passed since Respondent was served with an Original Notice or an Acceptance of Service of Respondent was filed with the Court.
- The Court waives the statutory waiting period before Decree based on a finding that protection of the parties' substantive rights or interests requires immediate action.

The parties meet the residency requirements of Iowa Code Section 598.6.

There are no children under the age of 18 who are children of both Petitioner and Respondent. There are no children under the age of 18 who were adopted or born during this marriage. There are no children age 18 years or older who still need support. Neither party is currently pregnant.

The evidence establishes there has been a breakdown of the marriage relationship to the extent the legitimate objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved. Conciliation would be of no benefit, and it is waived.

- There is neither a "protective order" nor a "no contact order" currently between the parties.
- There is a "protective order" or a "no contact order" currently between the parties.

The Court is not required to make extensive factual findings. The Court will only make additional findings

which the Court finds necessary. The parties will rely on the official record for any appellate proceedings.

**CONCLUSIONS OF LAW**

The Court has jurisdiction of the subject matter and the parties. The marriage has broken down and marriage counseling will not save it. The marriage should be ended.

When parties accumulate marital property it must be divided when their marriage is dissolved. There is no set percentage for a proper division. The goal is to divide the property fairly.

The standard for awarding attorney fees is one party's ability to pay balanced against the other party's need.

Spousal support and alimony are the same thing. One spouse may be ordered to pay support to the other as reimbursement for sacrifices made during the marriage, to help the other spouse become self-supporting, or simply to provide financial assistance. When deciding whether to award spousal support, the court considers the characteristics of the marriage, including the length of the marriage, the financial status of the parties, and the entire property division.

The Court decides the facts from the evidence and considers evidence using its observations, common sense and experience. The Court must decide what testimony to believe and may believe all, part or none of any witness's testimony. In deciding what testimony to believe, the Court considers the reasonableness and consistency of the evidence both internally and with respect to the other evidence which the Court finds to be credible as well as the witness's appearance, conduct, age, intelligence, memory, knowledge of the facts, interest in the trial, motive, candor, bias, and prejudice.

**JUDGMENT AND DECREE**

A. The marriage of Petitioner and Respondent is dissolved (ended).

B. Property:

- The parties have filed a Settlement Agreement regarding the division of property, which the court approves and makes a part of this Decree. The parties must carry out its terms.
- The property of the parties is awarded as set out in Attachment "A."

C. Each party is ordered to immediately execute all documents of title or writings needed to put the property award into effect. Each party is ordered to immediately deliver all property as required by this Decree. Each party is ordered to hold the other harmless from the payment of any debt not consistent with the terms of this Decree.

D. Transfers of property (check one):

- The parties do not own any real estate.
- The party not awarded the real estate shall execute a quitclaim deed and deliver the deed to the other party. The party receiving the property is responsible for recording the deed and for the costs associated with recording the deed.
- A change of title is ordered and will be delivered to the county recorder of the county in which each parcel of real estate is located. The party receiving the property is responsible for the costs of recording the change of title.
- Other:

E. The court fees in this case are \$  and:

- Petitioner will pay all court fees.
- Respondent will pay all court fees.
- Petitioner and Respondent shall each pay one-half of the court fees.
- Petitioner will pay % and Respondent will pay % of the total court fees.

F. Attorney's fees:

(1) Petitioner's attorney's fees:

- Not applicable.
- Petitioner will pay Petitioner's attorney's fees.
- Respondent will pay \$  for Petitioner's attorney's fees.

(2) Respondent's attorney's fees:

- Not applicable.
- Respondent will pay Respondent's attorney's fees.
- Petitioner will pay \$  for Respondent's attorney's fees.

G. Spousal Support:

- Neither Petitioner nor Respondent will pay spousal support (alimony) to the other.
- Petitioner will pay spousal support (alimony) as set forth in the Settlement Agreement.
- Respondent will pay spousal support (alimony) as set forth in the Settlement Agreement.
- Petitioner will pay spousal support (alimony) to Respondent as follows:

- Respondent will pay spousal support (alimony) to Petitioner as follows:

H. Name Change

- (1) Petitioner's name is .
- (2) Respondent's name is .

ALL ABOVE IS SO ORDERED, ADJUDGED AND DECREED this 7th day of August, 2017.

7FL300

**ATTACHMENT A**

**Assets:**

Description	Gross Value	Awarded to:	
		Petitioner	Respondent
1. <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
2. <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
3. <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
4. <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
5. <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
6. <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
7. <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
8. <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
Total Assets	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>

**Debts:**

Description	Gross Value	Awarded to:	
		Petitioner	Respondent
1. <input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

	<input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
2.	<input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
3.	<input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
4.	<input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
5.	<input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
6.	<input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
7.	<input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
8.	<input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
Total Debts		\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
Net Total (Assets Minus Debts):	<input type="text"/>	\$ <input type="text"/>		
Net award to Petitioner and Respondent:			\$ <input type="text"/>	\$ <input type="text"/>
Difference between the two awards:	<input type="text"/>	\$ <input type="text"/>		

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IN THE IOWA DISTRICT COURT FOR SCOTT COUNTY

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Upon the Petition of  Petitioner,  and concerning  Respondent.	Case No.  <b>DECREE FOR A                  DISSOLUTION OF MARRIAGE</b>
--	--

**APPEARANCES AND MANNER OF RESOLUTION**

On the [ ] this matter was before the court for final action on the Petition for Dissolution of Marriage. The case was resolved by a contested Informal Family Law Trial.

Petitioner [ ] Respondent [ ]

The Child Support Recovery Unit (CSRU) is involved in this case and was [ ]

On the record, the Court affirmed the parties' voluntary consent to the Informal Family Law Trial format.

**FINDINGS OF FACT**

Petitioner:

[ ]

Year of Birth: [ ]

Respondent:

[ ]

Year of Birth: [ ]

Petitioner and Respondent were married on [ ] at [ ]

Respondent has been properly served with notice. Neither Petitioner nor Respondent are in the military service, prison, or jail.

More than ninety (90) days have passed since Respondent was served with an Original Notice or an Acceptance of Service of Respondent was filed with the Court.

The Court waives the statutory waiting period before Decree based on a finding that protection of the parties' substantive rights or interests requires immediate action.

The parties meet the residency requirements of Iowa Code Section 598.6.

Children: (check all that apply)

- There are children under age 18 who are children of both Petitioner and Respondent.
- There are children under age 18 who were adopted or born during this marriage.
- There are children between the age of 18 and 19 who are eligible for child support.
- There are children between the age of 18 and 23 who may be eligible for post-secondary education support.
- There are dependent adult children who are eligible for support.
- Petitioner or Respondent is pregnant.

	First, middle and last initials of each child	Birth Year
(1)	[ ]	[ ]
(2)	[ ]	[ ]
(3)	[ ]	[ ]
(4)	[ ]	[ ]
(5)	[ ]	[ ]
(6)	[ ]	[ ]

The evidence establishes that there has been a breakdown of the marriage relationship to the extent that the legitimate objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved. Conciliation would be of no benefit, and it is waived.

- There is neither a "protective order" nor a "no contact order" currently between the parties.
- There is a "protective order" or a "no contact order" currently between the parties.

The Court is not required to make extensive factual findings. The Court will only make additional findings which the Court finds necessary. The parties will rely on the official record for any appellate proceedings.

**CONCLUSIONS OF LAW**

The Court has jurisdiction of the subject matter and the parties. The marriage has broken down and marriage counseling will not save it. The marriage should be ended.

In order to not grant joint legal custody, the Court must find by clear and convincing evidence "that joint custody is unreasonable and not in the best interests of the child to the extent that the legal relationship between the child and a parent should be severed." The Court must also consider any evidence of a history of domestic abuse.

The Court's parenting decision must be based on which placement will be in the long-term best interests of the child. The critical issue in determining the best interest of the child is which parent will do better in raising the child. The Court should also consider the parents' historic patterns of care giving.

There is a rebuttable presumption that the amount of child support that would result from the application of the guidelines prescribed by the Iowa Supreme Court is the correct amount of child support to be awarded. That amount may be adusted upward or downward, however, if the Court finds such adjustment necessary to provide for the needs of the children and to do justice between the parties under the special circumstances.

When parties accumulate marital property it must be divided when their marriage is dissolved. There is no set percentage for a proper division. The goal is to divide the property fairly.

The standard for awarding attorney fees is one party's ability to pay balanced against the other party's need.

Spousal support and alimony are the same thing. One spouse may be ordered to pay support to the other as reimbursement for sacrifices made during the marriage, to help the other spouse become self-supporting, or simply to provide financial assistance. When deciding whether to award spousal support, the court considers the characteristics of the marriage, including the length of the marriage, the financial status of the parties, and the entire property division.

The Court decides the facts from the evidence and considers evidence using its observations, common sense and experience. The Court must decide what testimony to believe and may believe all, part or none of any witness's testimony. In deciding what testimony to believe, the Court considers the reasonableness and consistency of the evidence both internally and with respect to the other evidence which the Court finds to be credible as well as the witness's appearance, conduct, age, intelligence, memory, knowledge of the facts, interest in the trial, motive, candor, bias, and prejudice.

**JUDGMENT AND DECREE**

- A. The marriage of Petitioner and Respondent is dissolved (ended).

B. Property:

- The parties have filed a Settlement Agreement regarding the division of property, which the court approves and makes a part of this Decree. The parties must carry out its terms.
- The property of the parties is awarded as set out in Attachment "A."

C. Children *(Check all that apply)*

(1)  The parties have entered a Parenting Plan regarding care of the children, which the court approves and makes a part of this Decree. The parties must carry out its terms.

(2)  Custody and primary care of the children is as follows:

- a.  \_\_\_\_\_
- b.  \_\_\_\_\_

Reasons for custody and primary care award:

D. Visitation *(Check one)*

(1)  Visitation shall be as set out in the Parenting Plan filed separately in this case.

(2)  Visitation shall be as set out below:

Visitation Schedule:

Holiday Visitation Schedule:

Summer Visitation Schedule:

Transportation Arrangements for Visitation:

- The parent receiving the child(ren) into his/her care shall provide transportation.
- The non-custodial parent shall provide all transportation.

E. Child Support *(Check all that apply)*

(1)  Neither party shall pay child support.

(2)  \_\_\_\_\_ shall pay child support to \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ per month.

If to a third party, payment shall be made to:

Name:

Address:

City:  State:  Zip:

County:

(3) Child support payments shall begin on [ ] for the following children:

	First, middle and last initials of each child	Birth Year
(1)	[ ]	[ ]
(2)	[ ]	[ ]
(3)	[ ]	[ ]
(4)	[ ]	[ ]
(5)	[ ]	[ ]
(6)	[ ]	[ ]

(4) The amount of child support [ ]

(5) Child support payments shall be made until whichever of the following comes first: the child reaches the age of nineteen (19), reaches the age of eighteen (18) and graduates from high school, marries, or dies.

(6) Unless payments are being made through income withholding, child support payments shall be paid to the [ ]. Each payment shall identify the name of the payor (the person making the payment and, if paid to the Collection Services Center (CSC), the CSC case number.

(7) If support payments are not paid as ordered in this Decree and become delinquent in an amount equal to the payment(s) for one month, the District Court or the Child Support Recovery Unit (CSRU) may, upon application, order an Assignment of Income sufficient to pay the support obligation. The amount of the Assignment of Income shall not exceed the amount specified in 15 U.S.C. 1673(b).

(8) Pursuant to Iowa Code section 252D.8, the income of the child support payor is immediately subject to withholding regardless of whether support payments are in arrears. A copy of this order shall be mailed by payor to payor's employer. Payor's employer is directed to withhold child support from payor's income and forward the payments to the office specified elsewhere in this order. The employer's and subsequent employer's duties shall be governed by Iowa Code section 252D.17. Until such time as the employer or other income provider withholds the required amount of support, it is the payor's responsibility to ensure payment.

(9) Each party shall file with the Clerk of Court or CSRU, as appropriate, upon entry of this Decree, and update as appropriate, information on location and identity of the party, including: social security number; residential and mailing addresses; telephone number; driver's license number; and name, address, and telephone number of the party's employer. The information filed will be disclosed and used pursuant to Iowa Code section 598.22B. Each party shall file the information with the Clerk of Court, or, if support payments are to be directed to the Collection Services Center as provided in Iowa Code sections 252B.14(2) and 252B.16, with CSRU.

(10) In any subsequent child support action the CSRU initiates or between the parties, upon sufficient showing that diligent effort has been made to ascertain the location of such a party, the unit or the court shall deem due process requirements for notice and service of process to be met with respect to the party, upon delivery of written notice to the most recent residential or employer address filed with the Clerk of Court or unit pursuant to the preceding paragraph.

(11) Ongoing support obligation (Check if applicable)

The ongoing support obligation for the child(ren) named in this Decree shall be automatically adjusted without further order to correspond to the number of children entitled to current support as the number of children entitled to current support changes. Based upon the parties' current financial circumstances, under the current Child Support Guidelines, child support shall be automatically adjusted as follows:

Number of Children	Monthly Support Amount
[ ]	\$ [ ]
[ ]	\$ [ ]
[ ]	\$ [ ]
[ ]	\$ [ ]
[ ]	\$ [ ]
[ ]	\$ [ ]

F. Tax Deduction

(1) The tax deduction shall be set as follows:

(Check one for each child)

First, middle and last initials of each child	Birth Year	Parent who claims child for tax deduction	Every Year	Even Years	Odd Years
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(2) The deduction will start in tax year .

(3) Each party shall timely execute all forms needed to put the tax deduction award into effect.

G. Health Care Expenses (Check all that apply)

(1)   will provide medical support (health insurance) and take all necessary actions to ensure health insurance coverage of the minor child(ren) pursuant to Iowa Code chapter 252E by obtaining an employment-related group health benefit plan for the minor child(ren).

(2)   will pay the first \$  of uncovered medical expenses for the child(ren). After that amount is spent, then uncovered medical expenses shall be paid % by Petitioner and % by Respondent.

(3)   shall pay cash medical support in the amount of \$  per month.

H. Each party is ordered to immediately execute all documents of title or writings needed to put the property award into effect. Each party is ordered to immediately deliver all property as required by this Decree. Each party is ordered to hold the other harmless from the payment of any debt not consistent with the terms of this Decree.

I. Transfers of property (check one):

The parties do not own any real estate.

The party not awarded the real estate shall execute a quitclaim deed and deliver the deed to the other party. The party receiving the property is responsible for recording the deed and for the costs associated with recording the deed.

A change of title is ordered and will be delivered to the county recorder of the county in which each parcel of real estate is located. The party receiving the property is responsible for the costs of recording the change of title.

Other:

J. The court fees in this case are \$  and:

Petitioner will pay all court fees.

Respondent will pay all court fees.

Petitioner and Respondent shall each pay one-half of the court fees.

Petitioner will pay % and Respondent will pay % of the total court fees.

K. Attorney's fees:

(1) Petitioner's attorney's fees:

Not applicable.

Petitioner will pay Petitioner's attorney's fees.

Respondent will pay \$  for Petitioner's attorney's fees.

(2) Respondent's attorney's fees:

Not applicable.

Respondent will pay Respondent's attorney's fees.

Petitioner will pay \$  for Respondent's attorney's fees.

L. Spousal Support:

Neither Petitioner nor Respondent will pay spousal support (alimony) to the other.

Petitioner will pay spousal support (alimony) as set forth in the Settlement Agreement.

Respondent will pay spousal support (alimony) as set forth in the Settlement Agreement.

Petitioner will pay spousal support (alimony) to Respondent as follows:

[Empty text box with scroll arrows]

Respondent will pay spousal support (alimony) to Petitioner as follows:

[Empty text box with scroll arrows]

M. Name Change

(1) Petitioner's name is [text box].

(2) Respondent's name is [text box].

[Empty text box with scroll arrows]

ALL ABOVE IS SO ORDERED, ADJUDGED AND DECREED this 7th day of August, 2017.

7FL302

**ATTACHMENT A**

Assets:

Description	Gross Value	Awarded to:	
		Petitioner	Respondent
1. [text box]	\$ [text box]	\$ [text box]	\$ [text box]
2. [text box]	\$ [text box]	\$ [text box]	\$ [text box]
3. [text box]	\$ [text box]	\$ [text box]	\$ [text box]
4. [text box]	\$ [text box]	\$ [text box]	\$ [text box]
5. [text box]	\$ [text box]	\$ [text box]	\$ [text box]
6. [text box]	\$ [text box]	\$ [text box]	\$ [text box]
7. [text box]	\$ [text box]	\$ [text box]	\$ [text box]
8. [text box]	\$ [text box]	\$ [text box]	\$ [text box]
Total Assets	\$ [text box]	\$ [text box]	\$ [text box]

Debts:

Description	Gross Value	Awarded to:	
		Petitioner	Respondent
1. [text box]	\$ [text box]	\$ [text box]	\$ [text box]
2. [text box]	\$ [text box]	\$ [text box]	\$ [text box]
3. [text box]	\$ [text box]	\$ [text box]	\$ [text box]
4. [text box]	\$ [text box]	\$ [text box]	\$ [text box]
5. [text box]	\$ [text box]	\$ [text box]	\$ [text box]
6. [text box]	\$ [text box]	\$ [text box]	\$ [text box]
7. [text box]	\$ [text box]	\$ [text box]	\$ [text box]
8. [text box]	\$ [text box]	\$ [text box]	\$ [text box]
Total Debts	\$ [text box]	\$ [text box]	\$ [text box]

Net Total (Assets Minus Debts):	\$		
Net award to Petitioner and Respondent:		\$	
			\$
Difference between the two awards:	\$		

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(T)oggle Full/Condensed View  
(R)eview Final Document  
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IN THE IOWA DISTRICT COURT FOR SCOTT COUNTY

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Upon the Petition of  Petitioner,  and concerning  Respondent.	Case No.  <b>RULING ON PETITION TO ESTABLISH          PATERNITY, CUSTODY, VISITATION          AND CHILD SUPPORT</b>
--	---

**APPEARANCES AND MANNER OF RESOLUTION**

On the [text box], this matter was before the court for final action on the Petition to Establish Paternity, Custody, Visitation and Child Support. The case was resolved by a contested Informal Family Law Trial.

Petitioner [text box], Respondent [text box].

The Child Support Recovery Unit (CSRU) is involved in this case and was [text box].

On the record, the Court affirmed the parties' voluntary consent to the Informal Family Law Trial format.

**FINDINGS OF FACT**

Petitioner:

[text box]

Year of Birth: [text box]

First, middle and last initials of child [text box]

Respondent:

[text box]

Year of Birth: [text box]

Respondent has been properly served with notice. Neither Petitioner nor Respondent are in the military service, prison, or jail.

- There is neither a "protective order" nor a "no contact order" currently between the parties.
- There is a "protective order" or a "no contact order" currently between the parties.

The Court is not required to make extensive factual findings. The Court will only make additional findings which the Court finds necessary. The parties will rely on the official record for any appellate proceedings.

[Large empty text box for findings]

**CONCLUSIONS OF LAW**

The Court has jurisdiction of the subject matter and the parties.

In order to not grant joint legal custody, the Court must find by clear and convincing evidence "that joint custody is unreasonable and not in the best interests of the child to the extent that the legal relationship between

the child and a parent should be severed." The Court must also consider any evidence of a history of domestic abuse.

The Court's parenting decision must be based on which placement will be in the long-term best interests of the child. The critical issue in determining the best interest of the child is which parent will do better in raising the child. The Court should also consider the parents' historic patterns of care giving.

There is a rebuttable presumption that the amount of child support that would result from the application of the guidelines prescribed by the Iowa Supreme Court is the correct amount of child support to be awarded. That amount may be adusted upward or downward, however, if the Court finds such adjustment necessary to provide for the needs of the children and to do justice between the parties under the special circumstances.

The standard for awarding attorney fees is one party's ability to pay balanced against the other party's need.

The Court decides the facts from the evidence and considers evidence using its observations, common sense and experience. The Court must decide what testimony to believe and may believe all, part or none of any witness's testimony. In deciding what testimony to believe, the Court considers the reasonableness and consistency of the evidence both internally and with respect to the other evidence which the Court finds to be credible as well as the witness's appearance, conduct, age, intelligence, memory, knowledge of the facts, interest in the trial, motive, candor, bias, and prejudice.

**JUDGMENT AND DECREE**

A. Paternity is established between  and

B. Custody/Physical Care *(Check all that apply)*

(1)  The parties have entered a Parenting Plan regarding care of the children, which the court approves and makes a part of this Decree. The parties must carry out its terms.

(2)  Custody and primary care of the children is as follows:

- a.
- b.

Reasons for custody and primary care award:

C. Visitation *(Check one)*

(1)  Visitation shall be as set out in the Parenting Plan filed separately in this case.

(2)  Visitation shall be as set out below:

Visitation Schedule:

Holiday Visitation Schedule:

Summer Visitation Schedule:

[Empty text box with scroll arrows]

Transportation Arrangements for Visitation:

- The parent receiving the child(ren) into his/her care shall provide transportation.
- The non-custodial parent shall provide all transportation.

[Empty text box with scroll arrows]

D. Child Support (Check all that apply)

(1)  Neither party shall pay child support.

(2)  [ ] shall pay child support to [ ] in the amount of \$ [ ] per month.

If to a third party, payment shall be made to:

Name: [ ]

Address: [ ]

City: [ ] State: [ ] Zip: [ ]

County: [ ]

(3) Child support payments shall begin on [ ] for the child.

(4) The amount of child support [ ]

[Empty text box with scroll arrows]

(5) Child support payments shall be made until whichever of the following comes first: the child reaches the age of nineteen (19), reaches the age of eighteen (18) and graduates from high school, marries, or dies.

(6) Unless payments are being made through income withholding, child support payments shall be paid to the [ ]. Each payment shall identify the name of the payor (the person making the payment and, if paid to the Collection Services Center (CSC), the CSC case number.

(7) If support payments are not paid as ordered in this Decree and become delinquent in an amount equal to the payment(s) for one month, the District Court or the Child Support Recovery Unit (CSRU) may, upon application, order an Assignment of Income sufficient to pay the support obligation. The amount of the Assignment of Income shall not exceed the amount specified in 15 U.S.C. 1673(b).

(8) Pursuant to Iowa Code section 252D.8, the income of the child support payor is immediately subject to withholding regardless of whether support payments are in arrears. A copy of this order shall be mailed by payor to payor's employer. Payor's employer is directed to withhold child support from payor's income and forward the payments to the office specified elsewhere in this order. The employer's and subsequent employer's duties shall be governed by Iowa Code section 252D.17. Until such time as the employer or other income provider withholds the required amount of support, it is the payor's responsibility to ensure payment.

(9) Each party shall file with the Clerk of Court or CSRU, as appropriate, upon entry of this Decree, and update as appropriate, information on location and identity of the party, including: social security number; residential and mailing addresses; telephone number; driver's license number; and name, address, and telephone number of the party's employer. The information filed will be disclosed and used pursuant to Iowa Code section 598.22B. Each party shall file the information with the Clerk of Court, or, if support payments are to be directed to the Collection Services Center as provided in Iowa Code sections 252B.14(2) and 252B.16, with CSRU.

(10) In any subsequent child support action the CSRU initiates or between the parties, upon sufficient showing that diligent effort has been made to ascertain the location of such a party, the unit or the court shall deem due process requirements for notice and service of process to be met with respect to the party, upon delivery of written notice to the most recent residential or employer address filed with the Clerk of Court or unit pursuant to the preceding paragraph.

(11) Ongoing support obligation (Check if applicable)

The ongoing support obligation for the child(ren) named in this Decree shall be automatically adjusted without further order to correspond to the number of children entitled to current support as the number of children entitled to current support changes. Based upon the parties' current financial circumstances, under the current Child Support Guidelines, child support shall be automatically adjusted as follows:

Number of Children	Monthly Support Amount
<input type="text"/>	\$ <input type="text"/>

E. Tax Deduction

(1) The tax deduction shall be set as follows:

(Check one for each child)

First, middle and last initials of each child	Birth Year	Parent who claims child for tax deduction	Every Year	Even Years	Odd Years
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(2) The deduction will start in tax year .

(3) Each party shall timely execute all forms needed to put the tax deduction award into effect.

F. Health Care Expenses (Check all that apply)

(1)   will provide medical support (health insurance) and take all necessary actions to ensure health insurance coverage of the minor child(ren) pursuant to Iowa Code chapter 252E by obtaining an employment-related group health benefit plan for the minor child(ren).

(2)   will pay the first \$  of uncovered medical expenses for the child(ren). After that amount is spent, then uncovered medical expenses shall be paid % by Petitioner and % by Respondent.

(3)   shall pay cash medical support in the amount of \$  per month.

G. The court fees in this case are \$  and:

- Petitioner will pay all court fees.
- Respondent will pay all court fees.
- Petitioner and Respondent shall each pay one-half of the court fees.
- Petitioner will pay % and Respondent will pay % of the total court fees.

H. Attorney's fees:

(1) Petitioner's attorney's fees:

- Not applicable.
- Petitioner will pay Petitioner's attorney's fees.
- Respondent will pay \$  for Petitioner's attorney's fees.

(2) Respondent's attorney's fees:

- Not applicable.
- Respondent will pay Respondent's attorney's fees.
- Petitioner will pay \$  for Respondent's attorney's fees.

ALL ABOVE IS SO ORDERED, ADJUDGED AND DECREED this 7th day of August, 2017.

7FL304

# TEMPLATE ORDER 7FL306 – INFORMAL TRIAL – DECREE FOR A MODIFICATION

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IN THE IOWA DISTRICT COURT FOR SCOTT COUNTY

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Upon the Petition of  Petitioner,  and concerning  Respondent.	Case No.  <b>MODIFICATION</b> OF <input type="text"/> <b>DECREE</b>
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### APPEARANCES AND MANNER OF RESOLUTION

On the , this matter was before the court for final action on the Petition for Modification filed by . The case was resolved by a contested Informal Family Law Trial.

Petitioner  Respondent

The Child Support Recovery Unit (CSRU) is involved in this case and was

On the record, the Court affirmed the parties' voluntary consent to the Informal Family Law Trial format.

### FINDINGS OF FACT

Petitioner:

Year of Birth:

Respondent:

Year of Birth:

A Decree was previously entered by the Court on . There is a material and substantial change in circumstances justifying a modification of:

- |  |   |  |  |
|--|---|--|--|
| <input type="checkbox"/> Custody       | <input type="checkbox"/> Visitation       | <input type="checkbox"/> Child Support | <input type="checkbox"/> Education Subsidy |
| <input type="checkbox"/> Tax Deduction | <input type="checkbox"/> Medical Expenses | <input type="text"/>                   |  |

The responding party has been properly served with notice. Neither Petitioner nor Respondent are in the military service, prison, or jail.

The Court is not required to make extensive factual findings. The Court will only make additional findings which the Court finds necessary. The parties will rely on the official record for any appellate proceedings.

**CONCLUSIONS OF LAW**

The Court has jurisdiction of the subject matter and the parties.

In order to not grant joint legal custody, the Court must find by clear and convincing evidence "that joint custody is unreasonable and not in the best interests of the child to the extent that the legal relationship between the child and a parent should be severed." The Court must also consider any evidence of a history of domestic abuse.

The Court's parenting decision must be based on which placement will be in the long-term best interests of the child. The critical issue in determining the best interest of the child is which parent will do better in raising the child. The Court should also consider the parents' historic patterns of care giving.

There is a rebuttable presumption that the amount of child support that would result from the application of the guidelines prescribed by the Iowa Supreme Court is the correct amount of child support to be awarded. That amount may be adjusted upward or downward, however, if the Court finds such adjustment necessary to provide for the needs of the children and to do justice between the parties under the special circumstances.

The standard for awarding attorney fees is one party's ability to pay balanced against the other party's need.

The Court decides the facts from the evidence and considers evidence using its observations, common sense and experience. The Court must decide what testimony to believe and may believe all, part or none of any witness's testimony. In deciding what testimony to believe, the Court considers the reasonableness and consistency of the evidence both internally and with respect to the other evidence which the Court finds to be credible as well as the witness's appearance, conduct, age, intelligence, memory, knowledge of the facts, interest in the trial, motive, candor, bias, and prejudice.

**JUDGMENT AND DECREE**

A. Custody/Physical Care:

- Custody and primary care of the children remains as previously ordered.
- The parties have entered a Parenting Plan regarding care of the children, which the court approves and makes a part of this Modified Decree. The parties must carry out its terms.

Custody and primary care of the children is as follows:

- a.
- b.

Reasons for custody and primary care award:

B. Visitation:

- Visitation remains as previously ordered.
- Visitation shall be as set out in the Parenting Plan filed separately in this case.
- Visitation shall be as set out below:

Visitation Schedule:

Holiday Visitation Schedule:

[Empty text box with up/down arrows]

Summer Visitation Schedule:

[Empty text box with up/down arrows]

Transportation Arrangements for Visitation:

[Empty text box with up/down arrows]

C. Child Support

(1)  Child support remains as previously ordered.

(2)  Neither party shall pay child support.

(3)  [ ] shall pay child support to [ ] in the amount of \$ [ ] per month.

If to a third party, payment shall be made to:

Name: [ ]

Address: [ ]

City: [ ] State: [ ] Zip: [ ]

County: [ ]

(4) Child support payments shall begin on [ ] for the following children:

	First, middle and last initials of each child	Birth Year
(1)	[ ]	[ ]
(2)	[ ]	[ ]
(3)	[ ]	[ ]
(4)	[ ]	[ ]
(5)	[ ]	[ ]
(6)	[ ]	[ ]

(5) The amount of child support [ ]

[Empty text box with up/down arrows]

(6) Child support payments shall be made until whichever of the following comes first: the child reaches the age of nineteen (19), reaches the age of eighteen (18) and graduates from high school, marries, or dies.

(7) Unless payments are being made through income withholding, child support payments shall be paid to the [ ]. Each payment shall identify the name of the payor (the person making the payment and, if paid to the Collection Services Center (CSC), the CSC case number.

(8) If support payments are not paid as ordered in this Decree and become delinquent in an amount equal to the payment(s) for one month, the District Court or the Child Support Recovery Unit (CSRU) may, upon application, order an Assignment of Income sufficient to pay the support obligation. The amount of the Assignment of Income shall not exceed the amount specified in 15 U.S.C. 1673(b).

(9) Pursuant to Iowa Code section 252D 8, the income of the child support payor is immediately subject to withholding regardless of whether support payments are in arrears. A copy of this order shall be mailed by payor to payor's employer. Payor's employer is directed to withhold child support from payor's income and forward the payments to the office specified elsewhere in this order. The employer's and subsequent employer's

duties shall be governed by Iowa Code section 252D.17. Until such time as the employer or other income provider withholds the required amount of support, it is the payor's responsibility to ensure payment.

(10) Each party shall file with the Clerk of Court or CSRU, as appropriate, upon entry of this Decree, and update as appropriate, information on location and identity of the party, including: social security number; residential and mailing addresses; telephone number; driver's license number; and name, address, and telephone number of the party's employer. The information filed will be disclosed and used pursuant to Iowa Code section 598.22B. Each party shall file the information with the Clerk of Court, or, if support payments are to be directed to the Collection Services Center as provided in Iowa Code sections 252B.14(2) and 252B.16, with CSRU.

(11) In any subsequent child support action the CSRU initiates or between the parties, upon sufficient showing that diligent effort has been made to ascertain the location of such a party, the unit or the court shall deem due process requirements for notice and service of process to be met with respect to the party, upon delivery of written notice to the most recent residential or employer address filed with the Clerk of Court or unit pursuant to the preceding paragraph.

(12) Ongoing support obligation (Check if applicable)

The ongoing support obligation for the child(ren) named in this Decree shall be automatically adjusted without further order to correspond to the number of children entitled to current support as the number of children entitled to current support changes. Based upon the parties' current financial circumstances, under the current Child Support Guidelines, child support shall be automatically adjusted as follows:

Number of Children	Monthly Support Amount
	\$
	\$
	\$
	\$
	\$
	\$
	\$

D. Tax Deduction

(1) The tax deduction shall

(Check one for each child)

First, middle and last initials of each child	Birth Year	Parent who claims child for tax deduction	Every Year	Even Years	Odd Years
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(2) The deduction will start in tax year .

(3) Each party shall timely execute all forms needed to put the tax deduction award into effect.

E. Health Care Expenses (Check all that apply)

(1)  Health care expenses remain as previously ordered.

(2)   will provide medical support (health insurance) and take all necessary actions to ensure health insurance coverage of the minor child(ren) pursuant to Iowa Code chapter 252E by obtaining an employment-related group health benefit plan for the minor child(ren).

(3)   will pay the first \$  of uncovered medical expenses for the child(ren). After that amount is spent, then uncovered medical expenses shall be paid % by Petitioner and % by Respondent.

(4)   shall pay cash medical support in the amount of \$  per month.

F. Spousal Support:

Spousal support remains as previously ordered.

Neither Petitioner nor Respondent will pay spousal support (alimony) to the other.

Petitioner will pay spousal support (alimony) as set forth in the Settlement Agreement.

- Respondent will pay spousal support (alimony) as set forth in the Settlement Agreement.
- Petitioner will pay spousal support (alimony) to Respondent as follows:

- Respondent will pay spousal support (alimony) to Petitioner as follows:

G. Court Costs: The court fees in this case are \$  and:

- Petitioner will pay all court fees.
- Respondent will pay all court fees.
- Petitioner and Respondent shall each pay one-half of the court fees.
- Petitioner will pay % and Respondent will pay % of the total court fees.

H. Attorney's fees:

(1) Petitioner's attorney's fees:

- Not applicable.
- Petitioner will pay Petitioner's attorney's fees.
- Respondent will pay \$  for Petitioner's attorney's fees.

(2) Respondent's attorney's fees:

- Not applicable.
- Respondent will pay Respondent's attorney's fees.
- Petitioner will pay \$  for Respondent's attorney's fees.

All other provisions of the Decree not specifically modified by this or any previous order shall remain in effect.

**ALL ABOVE IS SO ORDERED, ADJUDGED AND DECREED** this 7th day of August, 2017.

7FL306

TEMPLATE ORDER 7FL310 – INFORMAL TRIAL – ORDER FOR CONTINUANCE

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IN THE IOWA DISTRICT COURT FOR SCOTT COUNTY

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Petitioner,  vs.  Respondent.	Case No:  <div style="border: 1px solid black; padding: 2px; display: inline-block;"> <b>ORDER CONTINUING</b>  <div style="border: 1px solid black; width: 100px; height: 15px; margin-top: 5px;"></div> </div>
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This matter comes before the Court on .

The motion/request is  by opposing counsel.

Oral argument was held.

Being fully advised, the Court finds that in the interest of justice the  currently scheduled in the above-captioned matter should be continued for the following reason(s):

One or both of the parties have withdrawn their consent to proceed as an Informal Family Law Trial, and the Court has approved of the same.

The Court has made its own determination that this case should not be heard as an Informal Family Law Trial and instead requires a traditional trial due to the complexity of the issues presented.

Unavailability of the attorney.

Unavailability of a witness.

Attorney recently hired.

The health of the attorney/party.

Ongoing discovery issues.

To continue settlement negotiations.

IT IS THEREFORE ORDERED that the  in the above-captioned matter is/are continued as follows:

Trial Scheduling Conference is scheduled on  at :  AM  at the  Room .

5  Minutes

Settlement Conference is scheduled on  at :  AM  at the  Room .

1  Hours

Informal Trial is scheduled on  at :  AM  at the  Room .

1  Hours

This case is removed from the Informal Family Law Trial procedure.

Non Jury Trial is scheduled on  at :  AM  at the  Room .

4  Hours

ALL ABOVE IS SO ORDERED this 7th day of August, 2017.

The clerk shall notify all self-represented litigants and attorneys of record.

If you need assistance to participate in court due to a disability, call the disability coordinator at (563) 328-4145. Persons who are hearing or speech impaired may call Relay Iowa TTY (1-800-735-2942). **Disability coordinators cannot provide legal advice.**

7FL310

## FORM – INFORMAL TRIAL JUDGE’S CHECKLIST

County: _____ Case No: _____	<b>INFORMAL FAMILY LAW TRIAL JUDGE’S CHECKLIST</b>		
	YES	NO	N/A
1. Has Proof of Service of Process been filed?	<input type="checkbox"/>	<input type="checkbox"/>	
2. Has 90 days passed since service of original notice <b>OR</b> last day of publication <b>OR</b> filing of acceptance of service? [Iowa Code § 598.19]	<input type="checkbox"/>	<input type="checkbox"/>	
3. Has an order waiving the waiting period previously been filed? [Iowa Code § 598.19]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Has Petitioner signed waiver into Informal Family Law Trial?	<input type="checkbox"/>	<input type="checkbox"/>	
5. Has Respondent signed waiver into Informal Family Law Trial?	<input type="checkbox"/>	<input type="checkbox"/>	
6. If stipulated <u>child support</u> is <b>NOT</b> pursuant to guidelines, are reasons for deviation specifically set forth in the Stipulation or Settlement Agreement? [Iowa Code § 598.21B(2)(d) and Iowa Ct. R. 9.11]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Are child support guidelines filed? [Iowa Ct. R. 9.10]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. There is <b>no</b> protective/no contact order in place.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Has a prior protective order been canceled or does one need to be canceled?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Have all pending motions been resolved?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Has Petitioner filed certificate of completion of Children in the Middle?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Has Respondent filed certificate of completion of Children in the Middle?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Have parties filed financial affidavits or have they been waived by the court? [Iowa Code § 598.13]	<input type="checkbox"/>	<input type="checkbox"/>	
14. Has a Pretrial Memorandum, Stipulated Agreement or Settlement Agreement been filed separately?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Has an Agreed Parenting Plan been filed separately?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. If the parties have an interest in real estate:			
a. Is a legal description for the real estate included in the Pretrial Memorandum/Stipulated Agreement/Settlement Agreement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Have Quit Claim Deeds been prepared, or is title transferred in the Stipulated Agreement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Have QDRO’s been prepared for any pensions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Is payment of costs resolved in the Stipulated Agreement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. Is there public assistance? If so, has CSRU been given notice?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Last Revised 22-May-2017

	YES	NO	N/A
20. Is there a prior support order against either parent, or are there issues concerning Uniform Interstate Family Support Act? [Iowa Code Chapter 252K]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. Does paternity need to be disestablished for any children?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Petitioner	Respondent
Custody Requests and Reasons		
Visitation Requests and Reasons		
Assets		
Debts		
Spousal Support		
Name Change - Spouse - Children		
Attorney Fees		
Court Costs		
Name		
Date of Birth		
Education		

	Petitioner	Respondent
<b>Health:</b> 1. Diagnosis 2. Doctor's Name/Address 3. Medications		
Address		
County of Residence		
Date of Marriage		
<b>Child #1</b> 1. Name 2. Date of Birth 3. Age 4. Health: - Diagnosis - Doctor's Name/Address - Medications 5. Grade in School 6. School Name		
<b>Child #2</b> 1. Name 2. Date of Birth 3. Age 4. Health: - Diagnosis - Doctor's Name/Address - Medications 5. Grade in School 6. School Name		
<b>Child #3</b> 1. Name 2. Date of Birth 3. Age 4. Health: - Diagnosis - Doctor's Name/Address - Medications 5. Grade in School 6. School Name		

	Petitioner	Respondent
Child #4 1. Name 2. Date of Birth 3. Age 4. Health: - Diagnosis - Doctor's Name/Address - Medications 5. Grade in School 6. School Name		
Property Brought into Marriage (only in excess of \$1,000) 1. Type of Asset (car, real estate, pension, 401(k), etc.) 2. Value at Date of Marriage 3. Value Now		
Inherited/Gifted Property: (description and value)		
Prenuptial Agreement? (description)		
Contribution to Spouse's Education, Training, Earning Power		
Gross Income for Last 3 Years:	3 Years Prior: 2 Years Prior: 1 Year Prior:	3 Years Prior: 2 Years Prior: 1 Year Prior:
Gross Income YTD		

	Petitioner	Respondent
Child Support Information: 1. Gross income 2. Marital status 3. Who will claim tax exemption(s)? 4. Is there a mandatory occupational license fee? 5. Union dues? 6. Prior medical support obligation - actually paid 7. Prior CURRENT child support obligation or spousal support obligation - actually paid 8. QADD - Is paternity legally established? 9. Child care expenses while custodial parent is employed 10. Health Insurance: - Cost for <u>both</u> family and single plan - If not reasonable, does parent consent? - Does parent meet exception to cash medical support?		

NOTES:

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**FORM – INFORMAL TRIAL INTERNAL ASSESSMENT**

<p>Case No: _____</p> <p>Petitioner  <input type="checkbox"/> Self-Represented  <input type="checkbox"/> _____                  Survey Completed: <input type="checkbox"/> Yes <input type="checkbox"/> No/Refused</p> <p>Respondent  <input type="checkbox"/> Self-Represented  <input type="checkbox"/> _____                  Survey Completed: <input type="checkbox"/> Yes <input type="checkbox"/> No/Refused</p>	<p align="center"><b>INFORMAL FAMILY LAW TRIAL SUMMARY DATA FORM</b></p> <p>Trial Type: <input type="checkbox"/> Dissolution <input type="checkbox"/> Paternity <input type="checkbox"/> Modification  <input type="checkbox"/> Children <input type="checkbox"/> Without Children</p> <p>Trial Length: <input type="checkbox"/> 1 Hour <input type="checkbox"/> ½ Day <input type="checkbox"/> 1 Day</p> <p>Petition Filed: _____</p> <p>Initial Scheduling Order Filed: _____</p> <p>Trial Date: _____</p>	
<p align="center">Number of Witnesses (other than parties):</p> <p>Petitioner: _____</p> <p>Respondent: _____</p>	<p align="center">Number of Affidavits:</p> <p>Petitioner: _____</p> <p>Respondent: _____</p>	<p align="center">Number of Expert Report(s) (in lieu of testimony):</p> <p>Petitioner: _____</p> <p>Respondent: _____</p>
<p>Court Observations/Notes:</p>		<p align="center">DATE OF DECISION</p> <p align="center"><input type="checkbox"/> Date of Hearing - OR - _____</p>

## FORM – COURT LITIGANT SURVEY

<b>INFORMAL FAMILY LAW TRIAL PILOT PROJECT SURVEY</b>
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County: \_\_\_\_\_

Date: \_\_\_\_\_

Case Number: \_\_\_\_\_

1. I was notified of the option to participate at the following time(s): *(check all that apply)*
- When I filed the Petition/ Answer       When I received the Trial Scheduling Conference Notice  
 At the Trial Scheduling Conference       At the Settlement Conference       At the Trial  
 Other: \_\_\_\_\_

2. How would you rate the quality of information regarding the Informal Family Law Trial process from the sources below?

	1 <i>(worst)</i>	2	3	4	5 <i>(best)</i>	N/A
Brochure	<input type="checkbox"/>					
Website	<input type="checkbox"/>					
Clerk of Court	<input type="checkbox"/>					
Case Scheduler	<input type="checkbox"/>					
Attorney	<input type="checkbox"/>					
Settlement Conference Judge	<input type="checkbox"/>					
Trial Judge	<input type="checkbox"/>					

3. Please check one box in each row to rate how well the Informal Trial process matched your expectations.

	Exceeded expectations	Met expectations	Less than expected	Much less than expected
Overall quality of process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Timeliness of hearing date	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Level of professionalism	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Timeliness of decision	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. How would you rate your overall experience?     1       2       3       4       5  
*(worst)* *(best)*

5. Additional comments and suggestions so that we may continue to improve:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. If you would like us to follow up with you, please provide your name and contact information below:

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

## PRESS RELEASE

**THE IOWA DISTRICT COURT SEVENTH JUDICIAL DISTRICT  
ADMINISTRATIVE OFFICE, SCOTT COUNTY COURTHOUSE  
400 WEST FOURTH STREET  
DAVENPORT, IA 52801-1104  
(563)326-8783  
FAX (563)326-8218**

Honorable Marlita A. Greve  
Chief Judge  
Marlita.Greve@iowacourts.gov

Kathy M. Gaylord  
District Court Administrator  
Kathy.Gaylord@iowacourts.gov

**District Judges**

Hon. Mark J. Smith  
Hon. Mark D. Cleve  
Hon. Nancy S. Tabor  
Hon. Mary E. Howes  
Hon. Marlita A. Greve  
Hon. Paul Macek  
Hon. Thomas G. Reidel  
Hon. John D. Telleen  
Hon. Joel W. Barrows  
Hon. Mark R. Lawson  
Hon. Henry W. Latham II  
Hon. Stuart Werling

**District Associate Judges**

Hon. Gary P. Strausser  
Hon. Christine Dalton  
Hon. Phillip J. Tabor  
Hon. Cheryl E. Traum  
Hon. Mark R. Fowler

**Magistrates**

Hon. Bert M. Watson  
Hon. R. Douglas Wells  
Hon. Michael M. Judge  
Hon. Neva Rettig Baker  
Hon. Cynthia Z. Taylor  
Hon. Dennis D. Jasper  
Hon. Carrie E. Coyle  
Hon. Theresa J. Seeberger  
Hon. Stephen P. Wing  
Hon. John E. Wunder  
Hon. John L. Kies  
Hon. Christine D. Frederick  
Hon. Bradley T. Boffeli  
Hon. Tamra J. Roberts  
Hon. Eric Syverud

**FOR IMMEDIATE RELEASE**

Date: March 1, 2017

Contact: Kathy Gaylord, District Court Administrator  
(563) 326-8783 | [kathy.gaylord@iowacourts.gov](mailto:kathy.gaylord@iowacourts.gov)

**SEVENTH JUDICIAL DISTRICT TO SERVE AS PILOT PROJECT SITE**

DAVENPORT, IOWA – The Iowa Supreme Court selected the Seventh Judicial District to serve as a pilot project site for instituting new, informal family law trial procedure. The informal procedures should expedite the resolution of cases that involve less complicated factual circumstances.

The new trial procedures are available for a wide range of family law matters including divorces; legal separations; paternity (unmarried parent) cases; and modifications of child custody, visitation and child support. Informal family law trials are ideally suited for cases in which there are no complex issues and, in the case of divorces, minimal property or debts.

“The Seventh Judicial District is very excited and honored to be the pilot project site for this new informal trial process,” Chief District Court Judge Marlita Greve said. “We believe this process will improve access to justice for all Iowans. It also responds to the changing demands placed on our judicial system with the increasing number of self-represented parties and the increasing workload of judicial officers.”

In an informal family law trial, the judicial officer presiding over the hearing will question the parties. Additionally, the rules of evidence are relaxed, which means that parties may offer any testimony or exhibit without objection by the other side. The judge will determine what weight, if any, to give the testimony or exhibit. Self-represented litigants in particular may find this informal trial procedure easier to navigate than the traditional trial process.

The role of an attorney in an informal family law trial is limited to stating the issues, answering questions from the judicial officer, and providing legal argument at the conclusion of the trial. This limited role may require less time to prepare for trial, which could reduce the cost of representation for parties who choose to hire an attorney and should result in faster resolutions for all parties.

To learn more about this unique pilot program, visit [www.iowacourts.gov/About the Courts/District Courts/District Seven/](http://www.iowacourts.gov/About_the_Courts/District_Courts/District_Seven/) or call Court Administration at (563) 326-8783. The Seventh Judicial District includes Cedar, Clinton, Jackson, Muscatine and Scott Counties, serves over 300,000 Iowans and processes over 70,000 cases annually.

--- END ---

SEVENTH JUDICIAL DISTRICT OF IOWA  
INFORMAL FAMILY LAW TRIAL  
PILOT PROJECT

Hon. Marlita A. Greve, Chief District Court Judge

How did we get here?

## How did we get here?

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- In October 2014, the Iowa State Bar Association requested that a task force be created to review family law case processing.
- In January 2015, the Iowa Supreme Court officially established the Iowa Family Law Case Processing Reform Task Force.

## How did we get here?

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- Among the objectives of the Task Force was to examine innovative procedures and programs used in other jurisdictions.
- In May 2016, the Task Force presented its report to the Iowa Supreme Court.
- The report included a recommendation to provide an optional, informal track for processing family law cases based on the model used in Deschutes County, Oregon.

## How did we get here?

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- In October 2016, the Iowa Supreme Court issued a general order instituting an Informal Family Law Trial pilot project in the Seventh Judicial District.
- A local committee of judicial officers, court personnel and attorneys was immediately formed to establish policies and procedures for the pilot project.

# How did we get here?

## □ Local Implementation Committee

- Hon. Nancy Tabor (co-chair)
- Hon. Henry Latham (co-chair)
- Hon. Joel Barrows
- Hon. Marlita Greve
- Hon. Mary Howes
- Hon. Paul Macek
- Kathy Gaylord
- Brian K. McKenrick
- Jennifer Criswell
- Susan Lancaster
- Heidi McDonough
- Gaby Raya
- Melissa Gross
- Gary McKenrick
- Barb Wallace

## How did we get here?

---

- A supervisory order setting forth the framework of the pilot project was drafted and proposed by the committee and subsequently adopted by the Iowa Supreme Court in February 2017.
- The pilot project was formally launched by the Seventh Judicial District on March 1, 2017.

# How does the pilot project work?

# How does the pilot project work?

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- The purpose of the pilot project is:
  - To expedite resolution of cases involving less complicated factual circumstances;
  - To allow additional judicial time dedicated to cases involving more complicated factual circumstances; and
  - To provide greater court transparency, better uniformity, and clearer expectations for the parties.

# How does the pilot project work?

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- The pilot project applies to a variety of family law case types including:
  - ▣ Dissolution of Marriage (Divorce)
  - ▣ Legal Separation
  - ▣ Paternity (Unmarried Parent)
  - ▣ Modifications of Child Custody, Visitation, and Child Support

## How does the pilot project work?

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- The pilot project covers the entire Seventh Judicial District including Cedar, Clinton, Jackson, Muscatine and Scott Counties.
- Periodic reports will be provided to the Iowa Supreme Court so that the project can be evaluated and adjusted as needed.

# How does the pilot project work?

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- Two different types of trials are available in family law cases:
  - ▣ Traditional Trial
  - ▣ Informal Family Law Trial (IFLT)
- Both parties must agree to an informal trial. If one or both parties does not want an informal trial, a traditional trial will be scheduled.

# What is an Informal Trial?

# What is an Informal Trial?

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- In an informal trial, the trial judge asks questions of the parties and witnesses. The judge may consult with parties or their counsel concerning areas of inquiry.
- The only other party allowed to ask questions of witnesses is counsel for the Child Support Recovery Unit.

# What is an Informal Trial?

---

- Rules of Evidence do not apply.
- Parties can offer any testimony or material without objection by the opposing party.
- The judge decides what weight, if any, to give such evidence.

# What is an Informal Trial?

---

- Evidence is limited to:
  - Testimony of the parties and up to two witnesses per party
  - Submission of up to five affidavits per party from persons who would otherwise be called as witnesses
- A party may present up to two expert witness reports instead of live testimony, but those reports count as one of the five affidavits allowed.

# What is an Informal Trial?

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- The judge begins by asking the Petitioner questions, followed by the Respondent.
- If the Child Support Recovery Unit is involved, the judge may allow counsel for CSRU to first ask questions related to the determination of child support.
- The judge will then question the Petitioner's witnesses, followed by the Respondent's witnesses.

# What is an Informal Trial?

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- Throughout the process, the judge may ask the parties and counsel present whether there are any other areas of inquiry that should be explored.
- Attorneys will be allowed to make legal arguments at the conclusion of the trial.

# Why have Informal Trials?

# Why have Informal Trials?

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- Anecdotal evidence suggests that the number of self-represented parties is increasing in Iowa. Other jurisdictions have also identified this trend.
- The Judicial Branch has a responsibility to respond and adapt to the increasing number of self-represented parties and to the increasing workload of judicial officers.

# Why have Informal Trials?

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- Informal Trials reduce the adversarial nature of court proceedings, which helps both sides focus on the children or other issues.
- Fewer rules apply. Informal Trial procedures are more easily understood by self-represented parties.
- Clearly defined processes and procedures for self-represented parties reduce delays in case processing.

# Why have Informal Trials?

---

- Informal Trials of less complex cases can be scheduled in shorter time intervals.
- By decreasing the amount of court time dedicated to these less complex cases, the court can increase the amount of court time available for more complex matters.

# How do I select an Informal Trial?

# How do I select an Informal Trial?

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- Informal Family Law Trial brochures and forms are available in your local Clerk of Court's office and online at:

[www.iowacourts.gov/About\\_the\\_Courts/District\\_Courts/District\\_Seven/Informal\\_Family\\_Law\\_Trials/](http://www.iowacourts.gov/About_the_Courts/District_Courts/District_Seven/Informal_Family_Law_Trials/)

## How do I select an Informal Trial?

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- When Court Administration issues a Notice of Trial Scheduling Conference on a family law case, parties will also receive a digital brochure regarding the pilot project.
- Both parties must agree to proceed as an informal trial by filing a Waiver and Selection Form.

## How do I select an Informal Trial?

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- At least one party must file a Waiver and Selection Form prior to the Trial Scheduling Conference.
- If the other party has not already done so, he or she must file a Waiver and Selection Form prior to or at the Settlement Conference.

## How do I select an Informal Trial?

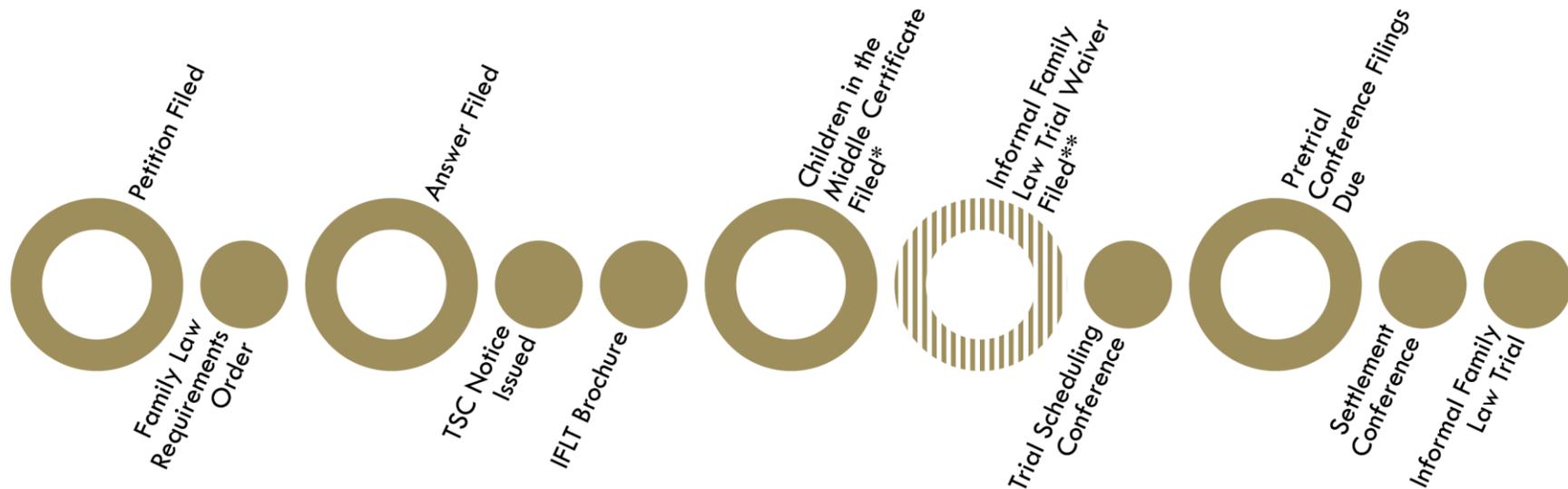
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- Informal Trials will be scheduled in one hour, one half day, and one day increments depending on the number and type of contested issues.
- In cases involving children, the requirement of the parties to participate in the Children in the Middle course under Iowa Code section 598.15 remains applicable.

## How do I select an Informal Trial?

- Settlement conferences are still required.
- At the settlement conference, the parties must complete a pretrial memorandum, which identifies areas of agreement between the parties and each party's proposal for areas of disagreement.
- The trial judge will rely on this document when preparing for the trial and to make sure areas of disagreement are explored in questioning during trial.

# How do I select an Informal Trial?



\*At least one party must complete Children in the Middle prior to TSC.

\*\*At least one party must file a waiver prior to TSC to opt into Informal Family Law Trial Pilot.

## How do I select an Informal Trial?

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- Either party, or the court, may remove the case from the Informal Family Law Trial process at any time up to and including the settlement/pretrial conference.
- After the settlement/pretrial conference, only the court may remove the case for good cause or upon a party's motion and after hearing.

How are attorneys impacted?

## How are attorneys impacted?

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- The increase in self-representation has already happened.
- While the Informal Family Law Trial procedure is designed primarily for self-represented parties, the process is equally available as an option in limited, simple and straightforward cases in which lawyers are involved.

## How are attorneys impacted?

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- Informal Trials should require less time for trial preparation, which should lead to reduced costs for court litigants.
- Litigants who are currently self-represented due to financial limitations may be able to afford limited representation in connection with an Informal Family Law Trial.

## How are attorneys impacted?

- “A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent.”
- “[T]here shall be a presumption that...the attorney does not represent the client generally or in any matters other than those identified in the writing.”
  - Iowa R. of Prof’l Conduct 32:1.2(c)

# How are attorneys impacted?

- A Limited Scope Representation Agreement could limit the attorney-client relationship to specific services including:
  - Appearing in court for limited purpose of providing standby advice and assistance during pretrial hearings
  - Appearing in court for the limited purpose of providing standby advice and assistance during the informal trial proceeding
  - Reviewing pleadings and other documents prepared by Client
  - Providing procedural advice, guidance and information regarding filing and serving documents
  - Suggesting documents to be prepared
  - Preparing pleadings, motions and other documents

## Contact for More Information

Kathy Gaylord  
District Court Administrator

400 West Fourth Street  
Davenport, Iowa 52801  
(563) 326-8783

Brian K. McKenrick  
Assistant District Court  
Administrator

[www.iowacourts.gov](http://www.iowacourts.gov)

## Informal Family Law Pilot Program

The Iowa Supreme Court selected the Seventh Judicial District to serve as a pilot project site for instituting a new, informal family law trial procedure for use in certain family law actions. Below, you will find many resources governing the pilot project, including informational brochures and relevant forms for self-represented parties and attorneys.

[Press Release | Seventh Judicial District to Serve as Pilot Program Site | March 1, 2017 \(PDF\)](#)

[Supreme Court Supervisory Order | Establishment of Pilot Program | February 14, 2017 \(PDF\)](#)

[Brochure | Informal Family Law Trial Pilot Program \(PDF\)](#)

[Presentation | Informal Family Law Trial Pilot Program \(PDF\)](#)

[Form | Informal Family Law Trial Waiver & Selection \(PDF\)](#)

[Form | Informal Family Law Trial Pretrial Memorandum \(PDF\)](#)

If you have any additional questions about this pilot project, please contact District Court Administration at (563) 326-8783.

<https://www.iowacourts.gov/iowa-courts/district-court/judicial-district-7/family-law-mediation/>